MYSORE CORNEAL GRAFTING BILL, 1965

(Introduction)

Sri K. NAGAPPA ALVA (Minister for Health).—I introduce the Mysore Corneal Grafting Bill, 1965, which has been published in the *Mysore Gaze te* under Rule 64 of the Rules of Procedure and Conduct of Business in the Legislative Assembly.

Mr. SPEAKER.—The Mysore Corneal Grafting Bill, 1965, is introduced.

MYSORE PUBLIC LIBRARIES BILL, 1964.

(As reported by the Joint Select Committee.)

(Motion to consider)

ಶ್ರೀ ಜೆ. ಶ್ರೀನಿವಾಸ ರೆಡ್ಡಿ (ಉತ್ತರಹಳ್ಳಿ).—ಈ ಮೈಸೂರು ಪಬ್ಲಿಕ್ ಲೈಬ್ರೆರಿ ಬಿಲ್ಲಿನ ಜಾಯಿಂಟ್ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯಲ್ಲಿ ನನ್ನ ಹೆಸರು ಇತ್ತು. ನನಗೆ ಇದುವರೆಗೆ ಆ ವಿಷಯಂಗಿನ ನಮನ್ಸ್ ಬರಲಿಲ್ಲ. ಈಗ ವರದಿಯಲ್ಲಿಯೂ ನನ್ನ ಹೆಸರು ಇಲ್ಲ. 23-6-1964 ರಲ್ಲಿ ನನ್ನ ಹೆಸರು ಇದೆ.

Mr SPEAKER.—Did not the member know this when the Report was laid on the Table of the House ? He has not informed me till now. He could have mentioned this to me before the commencement of the meeting today. Now I cannot verify the facts.

ಶ್ರೀ ಜೆ. ಶ್ರೀನಿವಾಸ ರೆಡ್ಡಿ.—ಅದು ಕ್ರಮಬದ್ಧವಾಗಿದೆಯೇ ಎಂಬುದಾಗಿ ತಮ್ಮನ್ನು ಕೇಳುತ್ತಿದ್ದೇನೆ.

Mr. SPEAKER.—The member absented himself from the meetings and did not do what he ought have done at the proper time. Now he says that he has not signed the Report or that he wants to send a dissenting note.

Sri G. V. GOWDA (Palya).—His complaint is that he was not even invited for the meetings of the Joint Select Committe and he has not signed the Report. His name was given by our group. His name was also mentioned in the House and has gone into the proceedings and I do not know how his name was omitted later on.

Mr. SPEAKER.—The hon'ble member Sri Gowda should have raised this earlier.

Sri G. V. GOWDA.—I came to know about this only now.

Mr. SPEAKER.—I will look into it,

Now, coming to the Bill, two hours were given. On 23rd of this month, the hon'ble members were not ready and I did not want to embarrass them. Sri V. S. Patil spoke for 40 minutes and the Minister for Education took 5 minutes and now we have got one hour and 15 minutes. I find even today that there is no co-ordination. Hon'ble Members do not want to enlighten me and they do not tell me who is to speak and the time to be approtioned. Each one wants to go his own

(MR. SPEAKER)

way. I am not going to allow anybody. The other day Sri G. V. Gowda complained that he did not expect that the Bill would be reached and so he was not ready.

Sri G. V. GOWDA.—Now I am ready.

Mr. SPEAKER.—It is not a question of an individual member being ready or not. Members must try to co-ordinate and apportion the available time. I want work to be done in an efficient manner. I have been saying this repeatedly, time and again.

Now Sri Siddaiah Kashimath may speak. He has to complete in 10 minutes.

† ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್ (ಶಿರಹಟ್ಟಿ).—ಅಧ್ಯಕ್ಷರೇ, ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಾರ್ವಜನಿಕ ಪಾಚನಾಲಯಗಳ ಮನೂವೆಯ ನಂಯುಕ್ತ, ಪರಿಶೀಲನಾ ನಮಿತಿಯವರ ವರದಿಯನ್ನು ಈ ನಭೆಯ ಮುಂದೆ ಇಟ್ಟಿದ್ದನ್ನು ನಾನು ಪರಿಶೀಲಿಸಿನೋಡಿ ಅದರ ಬಗ್ಗೆ ಕೆಲವಾರು ನೂಚನೆಗಳನ್ನು ಮಾಡಬಯಸುತ್ತೇನೆ. ಮೊಟ್ಟಮೊದಲನೆಯದಾಗಿ, ನರ್ಕಾರ ಯಾವ್ಯವತರಹ ಪಾಚನಾಲಯಗಳು ಇವತ್ತು ರಾಜ್ಯದಲ್ಲಿ ನಡೆನಲ್ಪಡುತ್ತಿವೆ ಎಂಬ ವಿಚಾರವನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ವರದಿಯನ್ನು ಮಂಡಿಸುವಾಗ ನಮಗೆ ತಿಳಿನಲಿಲ್ಲ. ಇದನ್ನು ನಾನು ಓದಿ ನೋಡಿದ್ದರಲ್ಲಿ ಪುನ್ತಕ ಭಂಡಾರಗಳು ಯಾವ ತರಹ ನಡೆಯುತ್ತಿದೆ ಎನ್ನುವ ವಿಚಾರವಿಲ್ಲ, ಕೇವಲ ಬೆಂಗಳೂರಿನಲ್ಲಿರತಕ್ಕ ನಿಟಿ ಲೈಬ್ರೆರಿಗಳು, ಮೈಸೂರಿನಲ್ಲಿರತಕ್ಕ ನಿಟಿ ಲೈಬ್ರೆರಿಗಳು, ಇವನ್ನು ಮಾತ್ರ ತೆಗೆದುಕೊಂಡು ಇನ್ನು ಉಳಿದುವನ್ನು ಇಲ್ಲ ನಮೂದು ಮಾಡಿಲ್ಲ. ಕೋ-ಆಪರೇಟಿವ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಮತ್ತು ರಿಜಿಸ್ಟ್ರೇಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಹಾಗೂ 1959ನೇ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಆಕ್ಟ್ ಪ್ರಕಾರ ಇಡೀ ರಾಜ್ಯದಲ್ಲಿರತಕ್ಕ ಲೈಬ್ರೆರಿಗಳನ್ನು ನಾವು ಯಾವ ರೀತಿ ನಡೆಸಿಕೊಂಡು ಹೋಗಬೇಕು ಎನ್ನುವ ವಿಚಾರ ಇದರಲ್ಲಿ ಕಾಣನೇ ಇರುವುದು ತುಂಬಾ ಕೋಚನೀಯವಾಗಿದೆ.

ಮತ್ತೊಂದು ವಿಷಯ. ಪುನ್ತಕ ಭಂಡಾರದ ಬಗ್ಗೆ ಸ್ಟೇಟ್ ಲೆವಲ್ ಕಮಿಟಿ, ನಿಟಿಯಲ್ಲಿ ಒಂದು ಕಮಿಟಿ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಲೆವಲ್‌ನಲ್ಲಿ ಒಂದು ಕಮಿಟಿ—ಹೀಗೆ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇಷ್ಟಲ್ಲದೆ ಈಗ ಹೊನದಾಗಿ ಒಂದು ಲಾಖೆಯನ್ನು ತೆಗೆದು ಆ ಲಾಖೆ ಮೂಲಕ ಅದನ್ನು ನಡೆನಬೇಕು, ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡಬೇಕು ಎನ್ನುವ ವಿಚಾರದಲ್ಲಿ ಇದರಲ್ಲಿ ಕೆಲವು ಅಂಶಗಳನ್ನು ಅಳವಡಿನಿದ್ದಾರೆ. ನಾನಾದರೂ ಇದರ ಬಗ್ಗೆ ಹೇಳುವುದಾದರೆ, ಈಗಾಗಲೇ ನಾಕಷ್ಟು ಪಾಚನಾಲಯಗಳ ಬಗ್ಗೆ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಇನ್‌ಸ್ಟ್ರಕ್ಷನ್ ಅವರ ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ವಿದ್ಯಾ ಖಾತೆಯವರು ಹೆಚ್ಚಿನ ದಕ್ಷತೆಯಿಂದ ಕಾರ್ಯಾಚರಣೆ ಮಾಡುತ್ತಿದ್ದಾರೆ, ಗ್ರಾಂಟು ಕೊಟ್ಟು ಅವುಗಳ ಶ್ರೇಯೋಭಿವೃದ್ಧಿ ಕಡೆಗೆ ಹೆಚ್ಚಿನ ಗಮನವನ್ನು ಕೊಡುತ್ತಿರುವಾಗ ಇವತ್ತಿನ ದಿವನ ಇದಕ್ಕಾಗಿ ಪ್ರತ್ಯೇಕ ಲಾಖೆಯೊಂದನ್ನು ತೆಗೆದು ಒಂದು ಸಾರ್ವಜನಿಕ ಲೈಬ್ರೆರಿ ಲಾಖೆ ಎಂಬುದಾಗಿ ಇವರು ಮಾಡುತ್ತಿರುವುದನ್ನು ನೋಡಿದರೆ ಅದಕ್ಕೆಲ್ಲಾ ಪ್ರತ್ಯೇಕವಾಗಿ ಸಿಬ್ಬಂದಿ—ಇವೆಲ್ಲಾ ಮಾಡುವುದರಿಂದ ವ್ಯಥಾ ಖರ್ಚು ಜಾಸ್ತಿಯಾಗುತ್ತದೆಯೇ ಹೊರತು ಅದರಿಂದೇನೂ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ.

ಇನ್ನು ಕಾಂಪೊನಿಷನ್ ಆಫ್ ನಿಟಿ ಲೈಬ್ರೆರಿ ಅಥಾರಿಟೀಸ್ ಎಂಬ ನೆಕ್ಷನ್ನಿನಲ್ಲಿ, ನನ್ಯರನ್ನು ಕೇವಲ ರಾಜ ನರ್ಕಾರದವರು ನಾಮಿನೇಟ್ ಮಾಡುವ ಪರಿಸ್ಥಿತಿ ಇದರಲ್ಲಿ ಬಂದಿದೆ. ಇದರ ಬಗ್ಗೆ ನಾನು ಒಂದೆರಡು ವಿಷಯಗಳನ್ನು ಹೇಳಬೇಕಾಗಿದೆ. ಕ್ಲಾಜು 3 (2) (ಬಿ) ನಲ್ಲಿ ಮತ್ತು (ಸಿ) ನಲ್ಲಿ ಹೇಳಿರುವುದು ಈ ರೀತಿ ಇದೆ. ಅದನ್ನು ನ್ವಲ್ಪ ನೋಡಬೇಕು.

"(b) Four persons elected by the Mysore Legislative Assembly from among its members;

(c) Two persons elected by the Mysore Legislative Council from among its members."

ಹೀಗೆ ಹೆಚ್ಚುಹೆಚ್ಚು ಕೂಡಿನುತ್ತಾ ಹೋದರೆ ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನ್ ಪ್ರಕಾರ 51 ಮಂದಿ ಲೈಬ್ರೆರಿ ಕಮಿಟಿಯಲ್ಲಿ ಇರತಕ್ಕದ್ದು ಎಂದಿದೆ. ಅದಕ್ಕಾಗಿ ನಾನು ಹೇಳುವುದೇನೆಂದರೆ, ಅದಷ್ಟುಮಟ್ಟಿಗೆ

ಅಸೆಂಬ್ಲಿಯಿಂದಾದರೂ ಕೂಡ ಎರಡು, ಕೌನ್ಸಿಲ್‌ನಿಂದ ಎರಡು ಈ ರೀತಿ ಮಾಡುವುದೂ ಒಂದು. ಅದರ 3ನೇ ಸೆಕ್ಷನ್‌ನ (ಡಿ)ಯನ್ನು ನೋಡಿದರೆ ಅದರಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆ.

"One person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate."

ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿ ಈಗಲೂ ನಾಲ್ಕು ಯೂನಿವರ್ಸಿಟಿಗಳಿವೆ. ಈ ಯೂನಿವರ್ಸಿಟಿಗಳ ಸಿಂಡಿಕೇಟಿನಿಂದ ಒಬ್ಬೊಬ್ಬರನ್ನು ಇದರಲ್ಲಿ ತೆಗೆದುಕೊಳ್ಳುವುದು ಯೋಗ್ಯವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಇನ್ನು ಎಕ್ಸಪ್ಲನೇಷನ್‌ನಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆ.

"Explanation : For purposes of this clause, in respect of the Universi.ty of Agricultural Sciences, "Syndicate" means the Board of Regents."

ಮುಖ್ಯವಾಗಿ ಪುಸ್ತಕಭಂಡಾರ ಕಮಿಟಿಗೆ ಒಂದೊಂದು ಯೂನಿವರ್ಸಿಟಿಯ ಒಬ್ಬೊಬ್ಬ ಪ್ರತಿನಿಧಿ ಇರಬೇಕು. ಇನ್ನು (ಇ) ಮತ್ತು (ಎಫ್)ನಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆ.

(e) One person elected by the City Library Authority of the City of Bangalore from among its members ;

(f) One person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority....."

ಎಲ್ಲೆಲ್ಲಿ ಸಿಟಿ ಲೈಬ್ರೆರಿ ಇದೆಯೋ ಅಲ್ಲಿಂದ ಒಬ್ಬೊಬ್ಬ ರೆಪ್ರೆಸೆಂಟೇಟಿವ್ ಅವರನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಏಕೆಂದರೆ, ನಮ್ಮಸ್ಥಾನದಲ್ಲಿ ಅನೇಕ ಸಿಟಿ ಲೈಬ್ರೆರಿಗಳಿವೆ. ಅಲ್ಲಿಯೂ ಕೂಡ ಚುನಾವಣೆ ಮುಖಾಂತರವೇ ಪ್ರತಿನಿಧಿಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

ಇನ್ನು one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the members of such Authority subject to the condition that such election shall be made.....ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದರಲ್ಲಿ "Excepting the City Library" ಎಂದು ಹಾಕಬೇಕು.

2-00 P. M.

ಆಮೇಲೆ one person elected by the City Library Authority ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈಗ ಒಂದೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟಿನ ವಿಷಯವನ್ನು ಹೇಳುವುದಾದರೆ, ಉದಾಹರಣೆಗೆ, ಧಾರವಾಡ ಡಿಸ್ಟ್ರಿಕ್ಟನ್ನು ತೆಗೆದುಕೊಂಡರೆ, ಅದರಲ್ಲಿ 2—3 ಸಿಟಿಗಳಿವೆ, ಹೀಗಿರುವಾಗ ಇದು ಯಾವ ತರಹ ಅನ್ವಯವಾಗುತ್ತದೆ ಎಂಬುದು ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಇನ್ನು ಮತ್ತೆ ಕೆಲವು ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ಗಳಲ್ಲಿ 3—4 ಸಿಟಿಗಳಿವೆ. ಹೀಗಿರುವುದರಿಂದ ಪ್ರತಿಯೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟಿಗೂ ಒಂದೇಸಮನಾದ ಪ್ರಾತಿನಿಧ್ಯ ಸಿಕ್ಕದೆ ಸ್ವಲ್ಪ ಹೆಚ್ಚುಕಡಿಮೆ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಪ್ರತಿಯೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟಿಗೂ ಯೂನಿಫಾರಂ ಆದ ಪ್ರಾತಿನಿಧ್ಯ ದೊರಕುವಂತೆ ಮಾಡಿ ಪ್ರತಿಯೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟಿನಿಂದಲೂ ಒಬ್ಬೊಬ್ಬರನ್ನು ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಮಾಡಬೇಕು. ಸಿಟಿ ಲೈಬ್ರರಿ ಅಥಾರಿಟಿಯಿಂದಲೂನಹ ಈ ಕಮಿಟಿಗೆ ನಮಸ್ಕರನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿರುವಾಗ ಮತ್ತು ಹೆಚ್ಚುಮಂದಿ ನದಸ್ಯರುಗಳಿಂದ ಕೂಡಿರತಕ್ಕಂಥ ಒಂದು ದೊಡ್ಡ ಸ್ಟೇಟ್ ಲೈಬ್ರರಿ ಅಥಾರಿಟಿ ಕಮಿಟಿಯನ್ನು ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಟ್ ಮಾಡುವಾಗ, ಸಿಟಿ ಲೈಬ್ರರಿ ಅಥಾರಿಟಿ ಕಮಿಟಿಗಳನ್ನು ಆದಷ್ಟು ಕಡಿಮೆ ಮಾಡಬೇಕು.

ಇನ್ನು "Three persons nominated by the State Government who in the opinion of the the State Government are experts in library science' ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದರಲ್ಲಿ 3 ಜನರನ್ನು ಸ್ಟೇಟ್ ಗೌರ್ನಮೆಂಟಿನವರು ನಾಮಿನೇಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳಿರುವುದು ಸರಿಯಲ್ಲ. 3 ಜನ ಹೆಚ್ಚು ಆಯಿತು. ಆದ್ದರಿಂದ ಸ್ಟೇಟ್ ಗೌರ್ನಮೆಂಟಿನವರು 3 ಜನರನ್ನು ನಾಮಿನೇಟ್ ಮಾಡುವುದಕ್ಕಿಂತ ಎಕ್ಸ್‌ಪರ್ಟ್ ಆಗಿರತಕ್ಕ ಒಬ್ಬರನ್ನು ನಾಮಿನೇಟ್ ಮಾಡಿದರೆ ಸಹಾಯವಾಗಬಹುದು ಎಂದು ನನ್ನ ಸಲಹೆ.

(ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ)

ಆಮೇಲೆ "provided that at the first constitution of the Authority for purposes of clauses (c), (f) and (g) six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government ಎಂದು ಹೇಳಿವ್ವಾರೆ. ಈ ರೀತಿ ಬರೀ ಸಿಟಿಯವರನ್ನೇ ಇದಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ಹೋದರೆ ಹಳ್ಳಿಗಾಡಿನವರಿಗೆ ಪ್ರಾತಿನಿಧ್ಯವನ್ನು ಕೊಟ್ಟ ಹಾಗಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಇದರಲ್ಲಿ ಹಳ್ಳಿಗಾಡಿನವರಿಗೂ ಪ್ರಾತಿನಿಧ್ಯ ಸಿಕ್ಕುವಂತೆ ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕು.

ಇನ್ನು ಪ್ರತಿಯೊಂದು ಕಮಿಟಿಗೂ ಸಹ ಸದಸ್ಯರನ್ನು ಎಲೆಕ್ಷನ್ ಮಾಡುವುದರ ಜೊತೆಗೆ ನಾಮಿನೇಷನ್ ಮಾಡುವುದನ್ನೂ ಸೇರಿಸಿದ್ದಾರೆ. ಸೆಕ್ಷನ್ (5) Nomination of members in default of election ಮತ್ತು ಸೆಕ್ಷನ್ (6) term of office ಈ ಸೆಕ್ಷನ್‌ಗಳಲ್ಲಿ ಯಾವ ವಿಷಯುಗಳನ್ನು ಹೇಳಿವೆಯೋ ಅವೇ ವಿಷಯುಗಳನ್ನು ಸೆಕ್ಷನ್ (19) ಮತ್ತು 20) ರಲ್ಲಿಯೂ ಹೇಳಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಸೆಕ್ಷನ್ 5 ಮತ್ತು 6 ಅಥವಾ ಸೆಕ್ಷನ್ 19 ಮತ್ತು 20 ಇವುಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದನ್ನು ಡಿಲೀಟ್ ಮಾಡಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು " Advisory Library Committee for Travelling Libraries ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಲೋಕಲ್ ಲೈಬ್ರರಿ ಅಥಾರಿಟಿ ಕಮಿಟಿ ಇರುವಾಗ ಮತ್ತೆ ಟ್ರಾವಲಿಂಗ್ ಲೈಬ್ರರಿ ಕಮಿಟಿಯನ್ನು ಮಾಡುವುದೇನೂ ಯೋಗ್ಯವಾಗಿ ಕಾಣಿಸುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ " advisory committees for travelling libraries " ಎನ್ನುವುದನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆಂದು ನಾನು ಹೇಳಬಯಸುತ್ತೇನೆ.

ಇನ್ನು ಫೈನಾನ್ಸಿಯಲ್ ಆಸ್ಪೆಕ್ಟ್ಸ್ ವಿಷಯವನ್ನು ಹೇಳುವುದಾದರೆ, ಇದು ಬಹಳ ವಿವಾದಾಸ್ಪದವಾಗಿದೆ. ಇದರಲ್ಲಿ " A library cess in the form of a surcharge " ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈಗಾಗಲೇ ರೈತರು ಎಜುಕೇಷನ್ ಸೆಸ್, ಹೆಲ್ತ್ ಸೆಸ್ ಮುಂತಾದ ಸೆಸ್ಸುಗಳನ್ನು ಕೊಡುತ್ತಿರುವಾಗ ಮತ್ತೆ ಲೈಬ್ರರಿ ಸೆಸ್ ಎಂದು ಹೊಸದಾಗಿ ಸೆಸ್ ಕೊಡಬೇಕಾದರೆ ಮತ್ತೆ ಒಂದು ದೊಡ್ಡ ದುಃಖ ಪರಿಸ್ಥಿತಿ ಬರುತ್ತದೆ. ಈಗ ಸರ್ಕಾರದವರು ಸಾರ್ವಜನಿಕ ಪುಸ್ತಕ ಭಂಡಾರಗಳನ್ನು ಸ್ಥಾಪನೆ ಮಾಡತಕ್ಕದ್ದು ವಿದ್ಯಾಭ್ಯಾಸದ ಉದ್ದೇಶಕ್ಕೋಸ್ಕರವಾಗಿ. ಹೀಗಿರುವಾಗ ಎಜುಕೇಷನ್ ಸೆಸ್ಸಿನ ಜೊತೆಗೆ ಲೈಬ್ರರಿ ಸೆಸ್ ಬೇರೆ ಹೊಸದಾಗಿ ಜನತೆಯ ಮೇಲೆ ಏತಕ್ಕೆ ಹಾಕಬೇಕು? ಈ ಲೈಬ್ರರಿ ಸೆಸ್ಸನ್ನು tax on lands and buildings, tax on entry of goods into the local area for consumption, use or sale therein, tax on vehicles, tax on professions, trades, callings and employments ಇವುಗಳ ಮೇಲೆ ಹಾಕಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಅಷ್ಟೇನೂ ಸಮಂಜಸವಾಗಿ ಕಾಣುವುದಿಲ್ಲ.

ಇನ್ನು ಪುಸ್ತಕ ಭಂಡಾರಗಳ ಸಿಬ್ಬಂದಿ ವರ್ಗದ ಬಗ್ಗೆ ಎಷ್ಟು ಖರ್ಚು ಬರುತ್ತದೆ ಎಂಬುದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಲಿಲ್ಲ. ಈಗ ಪ್ರತಿಯೊಂದು ಪಂಚಾಯಿತಿಯಲ್ಲಿಯೂ ಒಂದು ಲೈಬ್ರರಿ ಇದೆ, ವಾಚನಾಲಯ ಇದೆ, ಅದು ರಿಜಿಸ್ಟರ್ ಆಗಿದೆ. ಅದನ್ನು ವಿದ್ಯಾಭ್ಯಾಸ ಇಲಾಖೆಯವರು ಕನ್‌ಫರ್ಮ್ ಮಾಡಿದ್ದಾರೆ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ (ವಿದ್ಯಾ ಶಾಖೆಯ ಮಂತ್ರಿಗಳು).—ಈಗ ನಾವು ಮಾಡಿರುವಂಥಾದ್ದು ಪಂಚಾಯಿತಿಯವರು ಸ್ಥಾಪನೆ ಮಾಡಿರುವಂತಹ ಲೈಬ್ರರಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಇದು ಪಬ್ಲಿಕ್ ಲೈಬ್ರರಿ ಮಟ್ಟಿಗೆ ಮಾತ್ರ ಅನ್ವಯಿಸುತ್ತದೆ. ಈ ಪಬ್ಲಿಕ್ ಲೈಬ್ರರಿ ಸೆಸ್ಸಿನಿಂದ ಎಷ್ಟು ದುಡ್ಡು ಬರುತ್ತದೆ ಎಂಬುದನ್ನು ನಾನು ಈಗಾಗಲೇ ಹೇಳಿದ್ದೇನೆ. ಬೆಂಗಳೂರು, ಹುಬ್ಬಳ್ಳಿ, ಧಾರವಾಡ, ಮೈಸೂರು, ಬೆಳಗಾಂ ಈ 5 ಸಿಟಿಗಳಲ್ಲಿ ಲೈಬ್ರರಿ ಸೆಸ್ ಎಷ್ಟು ಬರುತ್ತದೆ ಎಂದರೆ ಆಕ್ಯ್ರಾಯ್‌ನಿಂದ 3,72,000 ರೂಪಾಯಿಗಳು, ಪೆಹಿಕಲ್ಸ್‌ನಿಂದ 10,000 ರೂಪಾಯಿಗಳು, ಪ್ರೊಫೆಷನ್ಸ್ ಟ್ಯಾಕ್ಸ್‌ನಿಂದ 8,000 ರೂಪಾಯಿಗಳು, ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ಗಳಲ್ಲಿ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಮತ್ತು ಬಿಲ್ಡಿಂಗ್‌ಗಳ ಮೇಲೆ ಈ ಲೈಬ್ರರಿ ಟ್ಯಾಕ್ಸನ್ನು ವಿಧಿಸುವುದರಿಂದ ಒಂದು ಲಕ್ಷ 22 ಸಾವಿರ ರೂಪಾಯಿಗಳು ಬರುತ್ತದೆ. ಇನ್ನು ಉಳಿದ ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ಗಳಲ್ಲಿ ಲ್ಯಾಂಡ್ ರೆವೆನ್ಯೂ ಮೇಲೆ 3 ಪರ್ಸೆಂಟಿನಂತೆ ಈ ಲೈಬ್ರರಿ ತೆರಿಗೆಯನ್ನು ಹಾಕುವುದರಿಂದ 10,84,000 ರೂಪಾಯಿಗಳು ಬರುತ್ತದೆ. ಎಲ್ಲಾ ಒಟ್ಟು ಈ ತೆರಿಗೆಯಿಂದ 12,66,000 ರೂಪಾಯಿಗಳು ಬರುತ್ತದೆ.

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ಈ ಮಸೂದೆಯನ್ನು ಜಾರಿಗೆ ತರುವುದರಿಂದ ಎಷ್ಟು ಹಣ ಖರ್ಚಾಗುತ್ತದೆ ?

ಶ್ರಿ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಈಗ ಇದಕ್ಕೆ 2½ ಲಕ್ಷ ರೂಪಾಯಿ ಖರ್ಚಾಗುತ್ತದೆ. ಈ ಮಸೂದೆಯನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಜಾರಿಗೆ ತಂದ ಮೇಲೆ 25 ಲಕ್ಷ ರೂಪಾಯಿಗಳು ಖರ್ಚಾಗುತ್ತದೆ.

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ಈಗ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಮೇಲೆ ಈ ತೆರಿಗೆಯನ್ನು ವಿಧಿಸುವುದರಿಂದ ಕೆಲವೊಂದು ಅಮೌಂಟ್ ಬರುತ್ತದೆ ಎಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು. Until revision settlement of land revenue under chapter 12 of Mysore Land Revenue Code ಇವರು ಯಾವ ರೀತಿ ಅಂದಾಜು ಮಾಡಿ ಇದನ್ನು ಮಾಡುತ್ತಿದ್ದಾರೆ ಎಂಬುದು ನನಗೆ ಅರ್ಥವಾಗಲಿಲ್ಲ. ಇನ್ನು ಇದಕ್ಕೇ ಬೇರೆ ಒಂದು Department of Public Libraries ಎಂದು ಪ್ರತ್ಯೇಕವಾದ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಮಾಡಿ ಹೆಚ್ಚಿನ ಹಣವನ್ನು ಏತಕ್ಕೆ ಖರ್ಚು ಮಾಡಬೇಕು ? ಈಗ ಹೇಗಿದ್ದರೂ ಡೈರೆಕ್ಟರ್ ಆಫ್ ಪಬ್ಲಿಕ್ ಇನ್‌ಸ್ಟ್ರಕ್ಷನ್ ಇದ್ದಾರೆ. ಅವರ ಕೈಕೆಳಗೆ ಒಬ್ಬರು ಇನ್‌ಸ್ಪೆಕ್ಟರನ್ನು ನೇಮಕ ಮಾಡಿ ಅವರಿಗೆ ಈ ಸಾರ್ವಜನಿಕ ಪುಸ್ತಕ ಭಂಡಾರಗಳ ನಿರ್ವಹಣೆಯ ಜವಾಬ್ದಾರಿಯನ್ನು ವಹಿಸಿ, ವಿದ್ಯಾಭ್ಯಾಸದ ಇಲಾಖೆಗೇ ಇದನ್ನು ಸೇರಿಸಿದ್ದರೆ ಅನುಕೂಲವಾಗುತ್ತಿತ್ತು. ಮತ್ತು ದುಡ್ಡೂ ಉಳಿತಾಯವಾಗುತ್ತಿತ್ತು ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಮಾನ್ಯ ಸದಸ್ಯರೇನೋ ಅವರ ಅಭಿಪ್ರಾಯವನ್ನು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಆದರೆ ಈಗ ವಿದ್ಯಾ ಖಾತೆಯಲ್ಲಿ ಇರುವಂತೆ ಆಫೀಸರಿಗೆ ಟೈಮೇ ಇಲ್ಲ. ಈಗ ಹೈಸ್ಕೂಲುಗಳು ಜಾಸ್ತಿಯಾಗಿವೆ. ಅವುಗಳನ್ನು ಇನ್‌ಸ್ಪೆಕ್ಷನ್ ಮಾಡುವುದಕ್ಕೆ ಶಕ್ಯವಾಗಿಲ್ಲ. ಹೀಗಿರುವಾಗ ಒಂದು ಹೊಸ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಮಾಡಿ ಅದಕ್ಕೆ ಹೊಸ ಜನಗಳನ್ನು ನೇಮಕ ಮಾಡದೆ ಅದರ ಜವಾಬ್ದಾರಿಯನ್ನು ಅವರಿಗೇ ನಿರ್ವಹಿಸಿದರೆ ಕಷ್ಟವಾಗುತ್ತದೆ.

ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್.—ಇನ್ನು ಈಗಿರತಕ್ಕ ಪಬ್ಲಿಕ್ ಲೈಬ್ರರಿ ಮ್ಯಾನೇಜ್‌ಮೆಂಟಿನವರು ಈ ಮಸೂದೆಯ ಪ್ರಕಾರ ಅವರಿಗೆ ಬರತಕ್ಕ ಕೆಲಸ ಮತ್ತು ಅಧಿಕಾರಗಳನ್ನು ವಹಿಸಿಕೊಂಡು ಅಲ್ಲಿರತಕ್ಕ ಸ್ಟಾಫಿನ ಸ್ಪೇಟಸ್ಸೋ ಮೇಂಟೇನ್ ಮಾಡುವುದಕ್ಕೆ 4-5 ಜನ ಅಧಿಕಾರಿಗಳನ್ನು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ. ಆ ಅಧಿಕಾರಿಗಳಿಗೆ ಯಾವ ಸ್ಟೇಟಸ್ ಕೊಡುತ್ತಾರೆ, ಅವರೇನು ಪರ್ಮನೆಂಟೋ ಅಥವಾ ಟೆಂಪರರಿ ಸ್ಟಾಫೋ, ಅವರನ್ನು ಯಾವ ರೀತಿ ಮಾಡುತ್ತಾರೆಂಬುದು ಗೊತ್ತಿಲ್ಲ.

Mr. SPEAKER.—It has to be seen whether they are qualified or not?

Sri SIDDAIAH KASHIMATH.—Qualified persons might have been recruited very recently. Will they be continued ? ಪಂಚಾಯ್ತಿ ಆಕ್ಟ್ ಪ್ರಕಾರ, ಕೋ-ಆಪರೇಟಿವ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಇದು ರಿಜಿಸ್ಟರ್ಡ್ ಸಂಸ್ಥೆ. ನನಗೆ ತಿಳಿದಹಾಗೆ ಈ ಪಬ್ಲಿಕ್ ಲೈಬ್ರರಿಯನ್ನು ರಿಜಿಸ್ಟರ್ಡ್ ಸಂಸ್ಥೆಯಾಗಿ ಅಳವಡಿಸಿಕೊಂಡಿದ್ದಾರೆ.
ಅದಕ್ಕೆ ಯಾವುದಾದರೂ ಒಂದು ರಿಸ್ಟ್ರಿಕ್ಷನ್ ಹಾಕಿ, ಯಾರು ಪರ್ಮನೆಂಟೊ, ಅಥವ ಯಾರು 3 ವರ್ಷ ಸರ್ವೀಸು ಹಾಕಿರುತ್ತಾರೋ, ಅದನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡು, ಅವರನ್ನು ತೆಗೆದು ಕೊಳ್ಳಬೇಕು.

ಮೇಲ್ವಿಚಾರಣೆಗೆ ಎರಡು ಕಮಿಟಿಗಳನ್ನು ಮಾಡಿದ್ದಾರೆ. ಈ ಮೇಲ್ವಿಚಾರಕರನ್ನು ಆದಷ್ಟು ಮಟ್ಟಿಗೆ ಬದಲಾವಣೆ ಮಾಡುತ್ತಿರಬೇಕಾಗುತ್ತದೆ.

ಪಂಚಾಯಿತಿಗಳಲ್ಲಿ 8 ವರ್ಷಗಳಾದರೂ ಅಕೌಂಟ್ಸು ಆಡಿಟ್ಟಾಗಿಲ್ಲ. ಆದ್ದರಿಂದ ಪ್ರತ್ಯೇಕ ಪಾರಿ ಒಂದು ಅಕೌಂಟ್ಸು ಕಮಿಟಿ ಮಾಡಿ, ಲೈಬ್ರರಿಗಳ ಎಕ್ಸ್‌ಪೆಂಡಿಚರ್ ಪ್ರತಿವರ್ಷವೂ ಆಡಿಟ್ ಆಗಲು ಏರ್ಪಾಡು ಮಾಡಬೇಕು.

"An appeal shall lie from the decision of the State Librarian to the Mysore Revenue Appellate Tribunal" ಎಂದು ಇದೆ. ಡಿಸ್ಮಿಕ್ಸ್ ಮೇಲಿನ್ಮೇಲ್ಮನವಿಗೆ, ಡಿಸ್ಮಿಕ್ಸ್ ಜಡ್ಜಿಗೆ ಅಥಾರಿಟಿ ಕೊಟ್ಟು ಫೈನಲ್ ಮಾಡಬೇಕು ಅಂತ ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

[MR. DEPUTY SPEAKER in the Chair.]

† Sri G. V. GOWDA.—Sir, I regret to point out at the outset that the Joint Select Committee has not made any change substantial in nature nor they have bestowed their thought over this matter in respect of the establishment and maintenance of libraries in our State.

Sri SANJEEVANATH AIKALA (Suratkal).—On a point of clarification. The hon'ble member has said that the members of the Joint Select Committee have not bestowed sufficient thought. Does it not amount to insinuation against the members of the Joint Select Committee.

Mr. DEPUTY SPEAKER.—There is no point of order.

Sri G. V. GOWDA.—In my opinion I still maintain that they have not bestowed sufficient thought over the observations made during the first reading of the Bill. Nearly seventy per cent of the contents of the Bill relate to constitution of various library committees and about 10 per cent relate to functions and miscellaneous work. In my opinion it could be devided into three chapters, establishment, maintaining and functioning of the library authorities, functions and miscellaneous. I should like to know whether this Bill is prepared on the model Bill received from the Government of India or any other authority, as has been claimed by the Minister during the first reading of the Bill.

Sri S. R. KANTHI.—Yes, it is on the model of the Government of India Bill.

Sri G. V. GOWDA.—In the constitution of the various committees, I have reason to believe that there is mostly an element of nomination at the hands of the Government. If that were to be the intention the only way open would have been to make responsible the Education Department and establish libraries wherever possiple. Much importance has been laid on establishment of libraries in cities and districts and I can hardly find establishment of libraries and maintaining them in rural parts. Rural parts have been left to themselves unless particular district library authority takes to its head to see that even in the rural parts these libraries have to be established. Statutory recognition should have been taken for ihe establishment and maintenance of libraries in rnral parts. In this Bill it is proposed to levy surcharge even by the panchayat, by the taluk boards and very many local bodies. It is said tax levied on houses and properties, on octroi, tax on vehicles, professions, callings, etc. That means to say that every person has to indirectly pay some amount to the revenue of the library fund. It means a sort of benefit which flows out of the income derived in rural parts. But if we see the Bill, very little effort is made to establish libraries in the rural parts. In Madras every secondary school has a library and I do not know what is the procedure in Bombay and Hyderabad Karnatak area. But in old Mysore no librarian has been appointed in the High schools.

Sri S. R. KANTHI.—May I say that libraries in the secondary schools do not come under the purview of this Bill ?

Sri G. V. GOWDA.—I know they are not covered. But what steps have Government taken to appoint librarians in the high schools, to equip them with good books, etc.

Sri S. R. KANTHI.—We have taken steps to appoint qualified librarians in every high school.

Sri G. V. GOWDA.—It is a good information.

ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿ.—ಟೆಕ್ಸ್ಟ್ ಬುಕ್ಕು ಬ್ಯಾಂಕು ಮಾಡುವುದಕ್ಕೆ (ಹೈಸ್ಕೂಲಿಗೆ) ಆರ್ಡರ್ ಕೊಡಲಾಗಿದೆ.

Sri G. V. GOWDA.—It is just like this. Sometime back you were pleased to announce the Trible Benefit Scheme But, unfortunately when I met some teachers in my area, I was told they have been left out on the presumption that it is already made applicable to Madras Karnatak area.

Sri S. R. KANTHI.—I am hearing it for the first time. The Triple Benefit Scheme applies to the entire State.

Sri G. V. GOWDA.—No doubt the legislation is applicable but in the entire area it has not been implemented. I am also running high schools. No circular has been issued that they should contribute for the provident fund their quota. I do not know whether hereafter they will take steps so far as that is concerned. My only anxiety is that when you think of collecting these cesses levied by the local body that means the bulk of the money comes from rural parts. Such being the case corresponding benefit should go to the rural parts. There is no scope under this Bill for such a benefit accruing to the rural parts.

It is contemplated under the heading "finance", surcharge on tax on lands and buildings. In the Hyderabad Libraries Act I have seen, it is surcharge on tax on properties and buildings. In order to avoid any confusion the word "land" has to be replaced by the word "properties". Because later on it may be argued that even revenue assessment is a tax on land. If that were to be upheld for every rupee one will have to pay 3 paise. In order to remove that confusion in the Madras and Hyderabad Acts they have worded "property".

Sir, in those Acts, it was confined only to surcharge on tax on properties or buildings. Here, there is a proposal to tax on entry of goods into the local area for consumption, use or sale therein; that means octroi; then there is surcharge on tax on vehicles; there is surcharge on professions, trades, callings and employments. Several items have been contemplated so far as levy of surcharge is concerned in respect of City Library Authority. But so far as District Library Authority is concerned, it confines to only first item, namely, surcharge on tax on lands and buildings. I do not know whether it amounts to discrimination because you levy a cess on four items so far as City Library Authority is concerned and you confine only to levy of surcharge on only one item in respect of district library authority. Would it not be held discriminatory? That is a part for consideration at the hands of the Government. Apart from this, the Government has to give grant, a sum equal to 3 per cent of the land revenue collected in the District to the District Library Authority so far as other enactments that are in vogue are concerned, they say that an amount equal to the cess realised by the authorities would be made good by the Government. If that had been adopted, I presume, Sir, that would have given an impetus or incentive to these authorities to collect the surcharge on those taxes. But here, whether surcharge is collected or not, the Government is bound to give a sum equal to 3 per cent of the

(Sri G. V. Gowda)

land revenue collected in the district. Sir, our intention is to decentralise this power and to that effect the Bill has been drafted and it has come from the Joint Select Committee. It is the wish of the Government to see that these local bodies are strengthened more and they are given more powers and more finances so as to see that all the local activities are undertaken and the rural development is taken up. Sir, is it not possible to entrust the establishment and maintenance and the regular running of these library services to these local bodies which as we contemplate are more democratic in nature ? Is it not possible ? It may be said, Sir, that there may not be any educationist in these democratic bodies and therefore it may receive a set back inasmuch as no educationist or no person who is experienced in library service may be available in this demoratic set up. For that matter, even in Zilla Parishad or Taluk Board, there are sub-committees called Education Committees and there is scope for nomination of two or three persons. In those committees persons who have got experience in library science or educationists could be nominated so as to work in the District Development Council or Taluk Development Board so that there may not be any dual authority over this library service. In the new legislation, even in the Zilla Parishad we have contemplated that one of the duties of Zilla Parishad is to organise and maintain these rural library services and taluk boards also can take up those services. If we organise libraries under various authorities, would it not be more a strain on the finances of the State ? From that point of view we have got to consider this aspect because could it not be efficiently managed if this particular matter has been made obligatory and entrusted to these democratic institutions ? Could it not do well ? That is my representation to the Hon'ble Minister's consideration. Clause 12 contemplates the opening of a Department of Public Libraries. I do not know whether this special Department called the Department of Public Libraries is found elsewhere in Bombay or Hyderabad ? To my knowledge, there is no separate Department. They are entrusted to Education Department and in some cases they are entrusted to local bodies which in turn take up the establishment and maintenance of these library services. Now a separate Department is contemplated to be undertaken. So far as the financial position of the State is concerned, it is very bad and if a separate Department is to be taken up, naturally all the expenditure has got to be incurred out of the consolidated fund of the State. That means more money has to be spent for this purpose. Is it worthwhile at this juncture when we have no resources to finance the plan, when we have to raise so much internal sources and to attract more assistance for the 4th Plan ? Such being the case, is it possible to open new Department altogether and incur expenditure out of the consolidated fund of the State ? You say in clause 15(3) that the salary, allowances, gratuity, pension and other benefits of the members of the Mysore State Library Service shall be met from the Consolidated Fund of the State. Then what is to happen to the Library

Fund ? There are resources from the various sides that will flow to this Library Fund. That means, we have got to spend only for the establishment and maintenance of these libraries and no pie of library fund is to be spent for the departmental people who are actually put in there for supervising public libraries. I do not understand when so much has been secured by way of income for this Library service, and so many people have been appointed for this purpose, should not income be appropriated for those persons who are in charge of library service ? Why should we spend from the consolidated fund of the State for this Department while the income out of this fund is to be appropriated somewhere else ? So, I vehemently oppose so far as incurring of expenditure from the State Consolidated Fund is concerned to establish a Department of Public Libraries. This kind of thing is not available elsewhere. Therefore, I am suggesting that the Hon'ble Minister to attach this Department to the Education Department itself. Let there be an Assistant Librarian or anybody that the Government wishes to have. Let them attach it to the Education Department so that it will give scope for creating Department which is likely to grow year after year as Government goes on expanding libraries of the State. Therefore, I am afraid it may lead anywhere and there may be no good resulting from it. Therefore it is desirable that in conformity with other States in respect of this matter, instead of entrusting this library service to the Department of Public Instruction, it should be entrusted to the local bodies which are more democratic in nature. There will be Educational Officers even in the District Development Council and there are Assistant Education Officers at the Taluk level and Director of Public Instruction at the State level and they can be co-opted. Such being the case, there is absolutely no need I should say for the establishment of Department of Public Libraries as such.

Mr. DEPUTY SPEAKER.—All that has been considered before sending the Bill to the Select Committee.

Sri G. V. GOWDA.—My grievance is that it has not been considered there. They should have considered it. We should realise what strain it would have on the State's finances. Even taking the land revenue amounts to 4 crores, 3 per cent of it would come to so much amount and when the land revenue is revised, naturally it would be double that amount. If we take into consideration the surcharge also leviable on octroi, then it is the common man who happens to be the consumer and it affects him.

Sri S. R. KANTHI.—This octroi is a question in the Cities, mostly, towns and cities and 3 per cent of the land revenue is a question of the Districts. So, as you know, Sir, in the five Cities, which are going to have City Libraries, they do not get anything from land revenue at all ; they have to spend for themselves. That is why, 3 paise on the rupee of octroi is necessary. Otherwise, the Library in these places cannot be run at all.

2-30 P.M.

Sri G. V. GOWDA.—Such a provision is not found either in the Madras Act or in the Hyderabad Act. My only objection is surcharge on vehicles.

Sri S. R. KANTHI.—The Hon'ble Member comes from Madras area and he knows very well that there is no octroi in Madras State. There is no octroi also in Andhra State. There is octroi in Gujarat and Maharashtra, and the new Bills that are being drafted for Gujarat and Maharashtra contain this clause.

Sri G. V. GOWDA.—This octroi is there so far as our Municipalities are concerned, but in Village Panchayats there is no octroi. Even in Town Panchayats, they can levy octroi, and so many Panchyats have adopted this and they have levied. After all, in Cities the octroi is levied for sale and consumption. Who are those people who are buying? Naturally, the people in the rural parts come and make purchases and they have got to pay the octroi, and if I may say so, it is universally true. Therefore, the Hon'ble Minister must admit that it is a strain on the common man, because he is indirectly made to pay. That is an indirect tax. Correspondingly, we are not conferring any benefit on the rural parts. Even otherwise, from the Cities, goods are transported to the rural parts. Naturally the price would go up, because the octroi would have paid.

Sri S. R. KANTHI.—The villagers come to the towns and make purchases and they pay sales-tax. Why should they pay sales-tax.

Sri G. V. GOWDA.—Sales-tax is a universal thing applicable to the entire world. In fact, the Hon'ble Minister is aware how much opposition was there for the sales-tax in the initial stages. Now it has become a normal feature.

Mr. DEPUTY SPEAKER.—The Hon'ble Member may please confine himself to Joint Select Committee Report.

Sri G. V. GOWDA.—The Hon'ble Minister can confine the surcharge only on properties and buildings and not on any other items, either on provisions or on trade. It does not secure uniformity in respect of other enactments.

Sri S. R. KANTHI.—So far as Mysore City is concerned, tax on surcharge on lands and buildings will be about Rs. 17,000 and if it is on octroi, it will be Rs. 33,000 and Rs. 37,000. Supposing we leave aside this Rs. 37,000 and there is no surcharge on octroi, it will be only Rs. 20,000 for a big City like Mysore. Rs. 20,000 for a Public Library is nothing.

Sri G. V. GOWDA.—We should have a principle that is applicable to all varieties of cases. In these matters, as far as possible, it is desirable to have uniformity. When we speak of levy on surcharge on buildings and properties in the District, why should we extend even the octroi in the City ?

Secondly, Sir, here it is proposed to retain the cess that is leviable under the Madras Act. This enactment repeals altogether the Madras

and Hyderabad Library Acts so far as it applies to Mysore State. I feel strange how our Minister allows the retention of levying of cess. So far as the Madras Act is concerned, the Select Committee have specifically said :

> "The Committee consider that it as necessary to make it clear that the library cess under the Madras Public Libraries Act, 1948, should continue to be levied."

So, would it not amount to discrimination ? You are levying surcharge on tax on lands, buildings, etc., and you also retain the power to levy cess under the Madras Act, which is far beyond, for anybody to understand. The Madras Act gets repealed. How can we exercise any power under the Madras Act when it gets repealed ? Therefore, I request the Hon'ble Minister to bestow thought over this matter and consult the Law Department whether it is possible to levy cess under an enactment. Thereby, in Madras area, you get 6 paise under the Madras Act and under the new enactment you levy 3 paise by way of surcharge on tax on buildings and lands. How this is to be sustainable and how it can be called that this is tenable ? Therefore, my submission would be that when you propose to repeal any Act, you have got to redeem the other eanctments for the uniformity of which this enactment is got. There may be transitory provisions, but to continue the enforcement of certain provisions, I should say, is beyond the reasoning of anybody nor it is constitutionally valid and tenable.

With these observations, I would request the Minister to see to this particular aspect, *i.e.*, what they have referred to in the Report, that in order to make it clear that the library cess under the Madras Public Libraries Act, 1948, should continue to be levied, because when once the legislation is given effect to the provisions of this Madras Act would get repealed. I have also sent certain amendments only in respect of that matter. I hope the Hon'ble Minister would consider this aspect and see that the Bill confines to the other statutes in the country and also corresponding benefits flow to the rural population from whom large amount is sought to be collected.

Sri B. R. SUNTHANKAR (Belgaum City).—It was expected, Sir, that the Bill would emerge in a better form from the Joint Select Committee after taking into consideration all the valuable suggestions made here at the time of the first reading. Unfortunately, Sir, as has been already observed by my Hon'ble friend, Sri G. V. Gowda, the Joint Select Committee has not bestowed its full consideration over all the suggestions that were made here at the time of the first reading. This Report has been very disappointing. There have been no substantial changes in the original Bill. Not only that the Joint Select Committee has not made good changes, but in some respects the Committee has made worse. With regard to nominations, the aspect of nominations in the Bill is very objectionable. The Joint Select Committee has not only failed to curtail the proportion of nominations, but instead of curtailing them, they have increased the proportion of nominations,

(SRI B. R. SUNTHANKAR)

Sir, there are nominations everywhere. In the case of Taluk Boards. the representatives of Taluk Boards will be nominated; the representatives of Panchayts will be nominated. Even the Vice-Chairman of the City Library Authority is to be nominated.

[MR. SPEAKER in the Chair]

Sir, in clause 29, nominations go to such an extent that the Chief Librarian also will make nominations. He is also authorised to make nominations. Nominations have been all-pervasive throughout this Bill as reported by the Joint Select Committee. Sir, the Joint Select Committee has given more scope for Government interference. The entire organisation of public libraries will be Government managed, Government controlled and Government conducted affair. There is very little of popular element. As a matter of fact, Public Library movement should be a popular movement. There should be a popular initiative. Full scope should be given to popular initiative. There should be voluntary efforts in respect of these public libraries by the people. I only refer to it to show how pervasive nominations have been. In this Bill, instead of making it a popular movement, the process has been reversed. It has been made a Government spoon-fed movement giving very little scope for popular control. Experience shows that Government conducted or controlled efforts have failed in the past. Take for example the community development movement. The same fate would be met with by the public library organisation.

MR. SPEAKER.—Is the Hon'ble Member suggesting elections?

SRI B. R. SUNTHANKAR.—Wherever possible elections should be there; for example Taluk Development Board.

MR. SPEAKER.—They have been given representation.

SRI B. R. SUNTHANKAR.—But their representatives will be nominated by the Government.

SRI S. R. KANTHI.—You know Sir, library movement is sought to educate the people in general. If we think of electing them from taluk boards, then there will be 10 to 12 taluk boards and it will become so costly.

SRI G. V. GOWDA.—For the District Library authority one is to be nominated from 10 to 12 taluk boards. Why not they be allowed to be elected?

MR. SPEAKER.—Who are the voters? Who is to prepare the list?

SRI G. V. GOWDA.—Voters are 12 Taluk Board presidents in the District. Can you not allow them to choose their representatives? So far as Panchayats are concerned, I agree.

SRI S. R. KANTHI.—If it is President, that would be a different matter. When we take all taluk development boards, the entire body of Taluk board membership will come in. It is also changing.

Mr. SPEAKER.—When the period is over, he ceases to be a member.

Sri B. R. SUNTHANKAR.—In District Library Authority, three representatives are to be there. They can be elected by rotation by Taluk Boards.

Mr. SPEAKER.—Taluk Boards are impersonal. Impersonal corporate body cannot vote. You must have some individual living. Why should the member to deny it to all the members and limit it to Presidents only?

Sri B. R. SUNTHANKAR.—Members of the Taluk Board should be elected from among members themselves.

Mr. SPEAKER.—How is the member to wait for synchronisation of time ? That is why the Hon'ble Minister said that is so complicated and costly.

Sri B. R. SUNTHANKAR.—Another worst feature of the Select Committee Report is representation of the Mysore Library Association has been taken away which was provided in the original Bill. They should be given representation.

Mr. SPEAKER.—Does it exist in other States ?

Sri B. R. SUNTHANKAR.—In Madras in exists. In Bombay there is no such Act.

Sri S. R. KANTHI.—I have no objection if the House is agreeable to accept it.

Mr. SPEAKER.—Somebody has to give an amendment.

Sri B. R. SUNTHANKAR.—I have sent in an amendment.

Sri S. R. KANTHI.—I must say the Hon'ble Member Mr. Sunthankar is against nomination. By his amendment, it amounts to this that he gives one seat to Mysore State Library Association and at the same time he maintains three nominations which have been provided in the Bill.

Sri B. R. SUNTHANKAR.—The Executive Committee of that Association should elect their own representative. This Mysore Library Association must get representation because that will be the organisation on popular front in the State. I know Sir, you happened to be the president of the Association. I do not know whether you are there at present.

Mr. SPEAKER.—Individuals have no part to play, particularly the individual of the Speaker who cannot even participate in the Debate. So my views do not count.

Sri G. V. GOWDA.—If another Member is allowed to take the Chair, cannot the Chair take part in the debate because the Speaker is a Member of this House ?

Mr. SPEAKER.—According to British Parliamentary Democracy, the Speaker's mouth is shut and that is the procedure that we are following. Even if the right is given, I will not venture to exercise it.

Sri B. R. SUNTHANKAR.—Sir, this organisation of Mysore Libraries Association should be allowed to develop and Government should see that this is well developed.

Sir, the next work of branches of this Association should spread throughout the State in every District and taluk place and in villages also if possible, and this Association should be given representation.

Then as has already been suggested by my Hon'ble friend Sri G. V. Gowda, I am of the opinion that the administration of public libraries should be handed over to Zilla Parishads and Panchayat Raj.

Mr. SPEAKER.—Giving amendments. Nothing else.

Sri B. R. SUNTHANKAR.—This suggestion was made at the time of the first reading.

Mr. SPEAKER.—Not accepted by the House and not accepted by the Committee. The only way is by giving amendment.

Sri B. R. SUNTHANKAR.—I have already given one. Sir, in England also the administration of public libraries is conducted by the country councils. Similarly, our Zilla Parishads when they come into being should be given the task of administration of these libraries.

According to this Bill, the public library will be the sole organisation and will be a sort of appendage of the Education Department and nothing else.

Sir, similarly the suggestion was made at the time of the first reading that this organisation of public libraries should be broad-based as suggested by the Public Libraries Advisory Committee. That Committe has recommended that there should be a pyramidical structure of the organisation of the Public Libraries throughout our country—village level, block-level, district level, state level and national level. So according to the recommendations of that committee, there are four tires in the State. But this Bill as reported by the Joint Select Committee now goes to the district level and not below that. There should be Sir, also libraries authorities for block-level and village level.

There is one provision only for villages—the village service library committees. Except that, we do not find anything which will cater to the needs of the rural population, particularly villages. Sir, as a matter of fact, village libraries should be made obligatory. This Bill has not done that.

Sir, I would like to qoute from a pamphelt on libarary movement in India by Sri K. Nagaraja Rao, Librarian Annamalai University Library. It says :

> "In view of the vast illiterate population in the villages, the library legislation must make the organisation and working of village libraries obligatory on the library authorities. In the case of village libraries, on account of the poverty of people no contribution by the people must be expected from them and Government of the Province should meet it entirely."

These village libraries should be made obligatory; but they have not made it so here. Sir, here in this State when the late Sir M. Visvesvaraya was the Dewan, there was a system of circulating library. These libraries were being circulated, from village to village, and people from villages used to get advantage out of that. Now that scheme was stopped. Sir, the Government should again start that scheme. Government should have circulating libraries and send circulating libraries throughout the rural areas.

Now, the most controversial thing in the Bill is about the library cess. My friend the Hon'ble Member Sri G. V. Gowda has dealt at length on this aspect. In the case of City authorities, the cess is going to be on the tax on land, buildings, tax on octroi goods, vehicles, professions, trades, callings, etc. That is going to be a heavy burden on the population of the Cities. I feel that three paise is too much particularly on octroi goods. If it had been only on properties, it would have been quite allright. But they are going to tax all items—land, buildings, octroi on goods, vehicles, profession trades, callings employment. That is going to be too heavy burden. When the Government will begin to collect the cess, there will be a great opposition, even in the rural areas. When you go to collect 3 per cent land revenue, then Sir, the rural population will say that we do not want your library: take away the libraries, but do not tax us. Because there is no proper atmosphere for library in the villages. If libraries are to be successful, there must be reading public first. Reading public is very small and very scanty in our rural areas.

Sri S. R. KANTHI.—May I ask my Hon'ble friend whether there are interested people in the Belgaum City who are prone to read? I want from the Hon'ble Member who comes from Belgaum City.

Sri B. R. SUNTHANKAR.—I do not speak about my City Sir.

Sri S. R. KANTHI.—I am drawing the attention of the Hon'ble friend to another fact. In Belgaum, the surcharge on lands and buildings will be only Rs. 14,000, whereas octroi on goods will be Rs. 48,000. If surcharge on lands and building only is taken, it will only mean that the beautiful library movement that is going on in Belgaum City will be starved.

Sri B. R. SUNTHANKAR.—What I mean to say is that the 3 per cent cess is too much of a burden. It should be one per cent on all these things.

About the octroi I would say—I wanted to say this at the time of amendments, but because you have referred to it, I am saying it at this stage. It is given here as 48,000. It was previous to the soaring of prices. The octroi is levied on the price and value of articles. At the time when that report was made the income from octori of Belgaum Municipality was 16 lakhs. Last year, it was 22 lakhs. So, the proceeds from cess on octroi would be more year by year as prices would be raising. Therefore make it one per cent.

Sri S. R. KANTHI.—If you make it one per cent, it would be 12,000.

Sri B. R. SUNTHANKAR.—Then as has been pointed out by Sri G. V. Gowda, Government is making a discrimination between city and rural areas. In respect of the City libraries, I do not find any provision for grant from the Government. District library authorities will get grant. But there is no provision for Government grant as regards city library authority.

Sri S. R. KANTHI.—I may make it clear to the Hon'ble Member that though there is no grant as has been made in the case of district libraries, there will be some sort of *ad hoc* grant this way or that for city libraries.

Sri B. R. SUNTHANKAR.—There should be some specific grant provided by the Government. That should not be left to the wish and whim of the Government.

Sri S. R. KANTHI.—If I have power, I would give to the District library authority and not to the city libraries, because the city libraries can maintain themselves. After all the people coming from Belgaum City should not ask for Government grant.

Sri B. R. SUNTHANKAR.—As a matter of fact, we from Belgaum city, can manage libraries very well without you. There are so many libraries in Belgaum. Every street, every bylane has a library. We can do without your library.

Mr. SPEAKER.—Now we are moving away from the Bill and the point.

Sri B. R. SUNTHANKAR.—Sir, I doubt very much how your public libraries will benefit us, citizens of Belgaum City.

Mr. SPEAKER.—Evidently Sri Sunthankar has much more to say. The House will now rise and reassembble in half-an-hour's time.

The House adjourned for recess at Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.

[MR. SPEAKER in the Chair]

Sri B. R. SUNTHANKAR.—Sir, here the local library authorities raise the cess to six per cent. I totally oppose this provision. The burden of three per cent is already heavy, it should not be further raised. We do not want even this three per cent.

Similarly, in clause 31, the grants given are only to the district library authorities and here there is no provision to the city library authority. That should be there. Sir, I oppose this three per cent of the land revenue collection of the district. I am of the opinion that land revenue should not be touched with at all. The whole land revenue should be left or given to the Panchayati Raj system. Government should not touch this at all.

Now, Sir, about the aided libraries. There is nothing much said about the aided libraries. Government will nominate some persons to the aid libraries. But, what will be the fate of there libraries ? According to the present idea, the aided libraries will be ultimately absorbed into the public library system. Personally, I would not like this pattern. I would suggest that aided libraries should be allowed to continue because the aided libraries that exist at present are catering to the needs fo the public, particularly in the cities and the public libraries cannot take place of these aided libraries. Voluntary effort should be allowed to continue and Government should continue the aid to these libraries also.

MR. SPEAKER.—Now the time allotted for the Bill is getting exhasted. I extend the time by half-an-hour.

†SRI S. R. KANTHI.—Sir, I have not much to say but to thank the Hon'ble Members who have taken part in the debate. The main trend of the members who have taken part is that they are opposed to certain surcharge on the octroi and secondly, they are opposed to the nominations which are proposed to be made on they City Library Authority or the District Library Authority or the State Library Authority. Sir, all these questions have been gone through by the Joint Select Committee and they have come to the conclusion that the nominations proposed in the Bill are inevitable. It would not be advisable to have them elected because the are a would be so big and that it would be unmanagable and the cost would be heavy. Taking all this into consideration, they came to the conclusion that wherever possible, nominations should be made by Government in respect of these areas.

The second point was about the finances. Hon'ble Members say that there should not be any surcharge on the octroi. This question has been gone through by the Committee which was appointed by Mysore Government under the able leadership of Dr. Ranganathan; fortunately, he is here in the gallery. He says that, uuless such a surcharge is levied, it is not possible to maintain any of these city libraries at all. I have already said, in a city like Mysore, the surcharge on land and buildings would be 70,000 and in Belgaum 14,000 Unless we have some such charge on octroi, it would not be possible to maintain. As Hon. Members know, Government is not proposing to give any financial aid to the city libraries. They have to depend on themselves. Of course, there may be, in course of time, some sort of *ad hoc* grant, but no promise can be held at present. In a city like Bangalore, the tax on octroi and building would be and building would be about 1,22,000. In a big city like Bangalore, without this amount it would not be possible to manage all the branches attached to the city library. The city library would also consume a lot of finance. Therefore, this octroi is propoed and we exprect Rs. 2,25,000. So, this would be a sizeable amount and it would be posssible for the city of Bangalore to have a net work of ibraries. Otherwise, it would not be possible.

Sir, it is said that in Andhra and Madras Acts there is no mention of the surcharge on octroi. I have been told by the authorities went

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into the entire question of surcharge on the octroi that in Madras and Andhra States there is no such thing as octroi. They are now thinking of the possibility of having an octroi tax in their States and that is why they have not been mentioned there. But in the case of Public Libraries Bills which are proposed to be introdoced, prepared by Dr. Ranganathan Committee, it is proposed to have this sort of surcharge on the octroi. It is also said that the Maharastra Library Association has asked Dr. Ranganthan to prepare a Bill for them and in that Bill also the surcharge on octroi is going to be mentioned.

As has been known to all my friends here, the idea of library service is also expanding. It is not the same as it was a few years ago. Library service is not a reading room or a place where books are stocked and people go and read. It is an expanding idea where the lecturer lectures, films are shown and all kinds of library service are proposed to be undertaken. If that is so, we must have a sizeable amount to carry on the library movement. As it is, for all the five City Libraries there will be a provision of Rs. 6,50,000 including surcharge on octroi. For the five city libraries it is not a big amount and no city library will be able to maintain itself. As regards the district libraries, out of the land revenue we get about Rs. 10.5 lakhs and that also is not much. My friend Sri G. V. Gowda said that it is going to be doubled. Supposing the land revenue is doubled, the amonnt we will get is Rs. 21 lakhs. Even that is not much because after all in each district not only we will have a District Central Library but also other libraries which will be a net-work of libraries. From this point of view, whatever is proposed in the Bill is very modest. In view of this, I hope the Hon'ble Members who have opposed the surcharge on octroi will reconsider their opposition. After all, the surcharge on octroi is not a big amount. Government is not keeping anything with it and the entire amount will be utilised for Public libraries.

The Hon'ble Member Sri G. V. Gowda also said that the present library authorities should be supplanted by democratic institutions like the Zilla Parishad, the Taluka Boards and the Panchayats. We have yet to consider that Bill and it is too early to say now what will be the state of things under the Panchayatiraj Bill. Any Act is not a permanent thing; it has to change in course of time and if there be any need for such a change, certainly I will come to the House with the reasons to make the necessary change. At present, I do not think there is any need for any change and whatever has been proposed is the best that can be done. This Bill is modelled on the Madras, Andhra and the Government of India Bills; it is not in any way substantially different from those Bills. Except that the Bill provides for 3 paise in a rupee of the octroi there is no other substantial change and that provision has been made because that is the recent thinking, calculated to bring in a substantial amount for the Public Libraries in the cities.

The Hon'ble Member Sri Siddaiah wanted the Syndicate to send representatives. The Senate will be meeting twice a year and if representations were to be given through the Senate, it will be a very cumbrous procedure. Instead of that, we have given representation to the University through the Syndicate. Syndicate or the University mean the same thing and I think that whatever has been done is quite correct. I commend the Bill to the House once again for its acceptance.

MR. SPEAKER.—The question is :

"That Mysore Public Libraries Bill, 1964, as reported by the Joint Select Committee, be taken into consideration."

The motion was adopted.

MR. SPEAKER.—I have received notice of 34 amendments which, I believe, have been circulated to members. There is one more set given notice of is rather very late. Once a report is presented to the House, members are entitled to send amendments. I appeal to Hon'ble Members not to give notice of amendments at the last stage as it does not enable me to circulate them to the members. I shall try to help them on this occasion but certainly this should not be made a precedent for claiming any concession of this type in future. The Hon'ble Member Sri R.S. Patil in particular should heed to my appeal, if I may put it so. I find that there are no amendments to clause 2. So, I shall put it to the House.

The motion was adopted

MR. SPEAKER.—The question is :

"That clause 2 stand part of the Bill'. Clause 2 was added to the Bill.

CLAUSE 3

MR. SPEAKER.—Sri Sunthankar's amendment is similar to the amendment proposed by Sri N. Huchmasty Gowda. So, Sri Huchmasthy Gowda will move his amendment.

SRI N. HUCHMASTY GOWDA (Chandrashekarapura).—Sir, I beg to move :

"That in sub-clause (2) after item (d), the following item shall be added as (e) and items (e) to (j) be renumbered as (f) to (k)."

"(e) one person elected by the Executive Committee of the Mysore Library Association from among the members of the Association."

MR. SPEAKER.—Amendment moved:—

"That in sub-clause (2), after item (d) the following item shall be added as (e) and items (e) to (j) be re-numbered as (f) to (k)."

"(e) one person elected by the Executive Committee of the Mysore Library Association from among the members of the Association."

†ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿ ಗೌಡ.—ಈ ತಿದ್ದುಪಡಿ ಈಗಿರತಕ್ಕ ಮದ್ರಾಸ್ ಆಕ್ಟಿನಲ್ಲಿ ಇದ್ದೇ ಇದೆ. ಅದನ್ನು ಈ ವಿಧೇಯಕದಲ್ಲಿ ತಂದಿರುವುದರಿಂದ ಮದ್ರಾಸ್ ಆಕ್ಟಿನ ಆಧಾರದ ಮೇಲೆ ಇದನ್ನು ಸೇರಿಸುವುದು ಸೂಕ್ತವಿದೆ. ಈ ಅಸೋಸಿಯೇಷನ್ ಇರುವುದರಿಂದ ಒಂದು ಪ್ರಾತಿನಿಧ್ಯವನ್ನು ಅದಕ್ಕೆ ಕೊಡುವ ಹಾಗಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಇದು ಅತ್ಯವಶ್ಯವೆಂದು ಭಾವಿಸಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದೇನೆ. ಅದನ್ನು ಒಪ್ಪಬೇಕು.

†Sri B. R. SUNTHANKAR.—Sir, as the Mysore Library Association is an association for the whole State, it must get representation on this authority. One of the objects of the Association is to work under the Mysore Public Libraries Act. So, it must get representation.

4-00 P.M.

Sri S. R. KANTHI.—I have no objection to accept this amendment.

Mr. SPEAKER.—The question is :

"That in clause 3 in sub-clause (2) after item (d) the following item shall be added as (e) and items (e) to (j) be re-numbered as items (f) to (k)"

"(e) one person eleted by the Executive Committee of the Mysore Library Association from among the members of the Association."

The amendment was adopted.

The amendment of Sri Sunthankar lapses.

Mr. SPEAKER.—The question is :

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

CLAUSES 4 TO 8.

Mr. SPEAKER.—The question is :

"That clauses 4 to 8, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 4 to 8 both inclusive were added to the Bill.

CLAUSE 9.

Sri G. V. GOWDA.—I beg to move :

"That in item (a) the words 'unless he has, by order on account of such sentence' shall be deleted.

"Also that after item (a), the following proviso shall be added :

' Provided that the disqualification will cease to operate after the expiry of two years from the date of such sentence'."

Mr. SPEAKER.—Amendment moved :

"That in item (*a*), the words 'unless he has, by order on account of such sentence' shall be deleted.

"Also that after item (*a*), the following proviso shall be added :

'Provided that the disqualification will cease to operate after the expiry of two years from the date of such sentence.'"

†Sri G. V. GOWDA.—Clause 9 refers to the disqualification for a person being chosen as a member of the Library Authority. In all institutions where the element of election or nomination is involved, it is in vogue that persons who are sentenced by a criminal court for an offence involving moral turpitude punishable with imprisonment for a term ranging from 3 to 6 months be disqualified. Such a disqualifieation is to be found in the Village Panchayats Act and the Co-operative Societies Act. So it is correct to say that a person who is sentenced for an offence involving moral turpitude should be disqualificd from being chosen as a member of a public library authority. But there is one further sentence here that the Government can under this clause relieve that gentlemen from the disqualification he has incurred on acoount of such a sentence. I have not found such a provision in any of the states. If a certain period of time elapses after the sentence he could be relieved of the disqualification by operation of time. But if a person has undergone a sentence of one year and if immediately after he is released from jail, the Government were to say that his disqualification is removed, then he could be nominated. That I do not think would be quite consistent with the land law of the land. I have not found such a thing in any enactment and this is a new thing. Therefore I have added a proviso that after the expiry of two years after the sentence by operation of time, this disqualification shall be removed and he could be entitled for being nominated by the Government if they so desire. This does not do any harm to Government and it can be accepted. It is in consonance with other enactments like the Village Panchayats Act and the Co-operative Societies Act where an element of nomination or election is involved. Even in the representation of the People Act by which we are all elected to this House there is this disqualification and unless a certain period elapses the member cannot be relieved of this disqualification. But here the Government have taken to themselves the power to relieve the person of this disqualification. I submit that the Education Minister may kindly consider this aspect and accept my amendment.

†Sri S. R. KANTHI.—I cannot accept the amendment. The hon'ble member says that the person should be automatically exonerated of the disqualification after 2 years. In a movement like the public library movement even if a period of 2 years elapses there should not be an automatic removal of the disqualification. There should be a Government order to that effect because in some cases of moral turpitude or

(SRI S. R. KANTHI)

offences of such magnitude it is not possible to have such a person in the library movement. The Government want to prevent the automatic removal of the disqualification by lapse of time.

Mr. SPEAKER.—The question is:

"That in item (*a*) 'the words 'unless he has, by order on account of such sentence' shall be deleted.

"Also that after item (*a*), the following proviso shall be added:

'Provided that the disqualification will cease to operate after the expiry of two years from the date of such sentence."

The amendments were negatived.

Mr. SPEAKER.—I will put clause 9 to the House.

The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

CLAUSE 10.

Sri B. R. SUNTHANKAR.—I beg to move:

"That in sub-clause (1) in line 2 for the words 'twice a year' the words 'once every three months' shall be substituted."

Mr. SPEAKER.—Amendment moved;

"That in sub-clause (1) in line 2 for the words 'twice a year' the words 'once every three months' shall be substituted."

Sri B. R. SUNTHANKAR.—Out of the two meetings the State Library Athority is required to hold, one is the annual meeting. That means only one meeting will discuss business. I consider that there should be a provision for a meeting at least once in three months, instead of the six months indicated in the bill.

Mr. SPEAKER.—The clause does not prevent more meetings. It shall 'at least' meet twice. Is the Hon'ble Member sure of the quorum for more meetings.

Sri B. R. SUNTHANKAR.— Yes, Sir. The activities of this authority will go on increasing. A meeting once in six months would mean a heavy agenda.

Mr. SPEAKER.—The question is :

" That in sub-clause (1) in line 2 for the words ' twice a year ' the words ' once every three months ' shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

CLAUSES 11 AND 12.

Mr. SPEAKER.—The question is :

" That clauses 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 11 and 12 were added to the Bill.

CLAUSE 13.

Sri B. R. SUNTHANKAR.—I beg to move :

" That in sub-clause (2) after item (g), the following item shall be added :

" (h) to maintain a register of the books published in the State."

Mr. SPEAKER.—Amendment moved.

"That in sub-clause (2) after item (g), the following item shall be added :

"(h) to maintain a register of the works published in the State."

Sri B. R. SUNTHANKAR.—By this amendment, I want that the Library Authority should maintain a register of the books published in the State.

Mr. SPEAKER.—I believe that there is another authority to maintain such a register.

Sri S. R. KANTHI.—Under sub-clause (g) there is a general provision by which we may ask the authority to maintain a register, if necessary.

Sri B. R. SUNTHANKAR.—I want that it should be specifically mentioned in the clause.

Mr. SPEAKER.—It requires certain powers of compulsion to submit all books. That cannot come under this clause.

Sri B. R. SUNTHANKAR.—Government has the authority to get copies from persons to whom copies of books should under law be submitted. The Library authority may get copies from the Registrar of Publications or some other authority.

Sri S. R. KANTHI.—It is not possible to maintain a register of all books published in the State.

Mr. SPEAKER.—The question is :

"That in sub-cluse (2) after item (g), the following item shall be added :

"(h) to maintain a register of the books published in the State."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

CLAUSE 14.

Mr. SPEAKER.—The question is :

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

CLAUSE 15.

Sri G. V. GOWDA.—I beg to move :

"That sub-clause (3) shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That sub-clause (3) shall be deletled."

†Sri G. V. GOWDA.—The sub-clause relates to payment of salary and allowances to the staff of the State Library Services from the consolidated fund of the State. The duty of the Authority is to advise Government on library movment according to clause 4. There is a library fund created for the purpose and for which there are severa sources. I do not know how that fund is going to be utilised. My idea is that the salary of the staff should be met from the fund and should not a drain on the public funds of the State. We have been clamouring that as far as possible that expenditure outside the plan should be curtailed and that non-developmental schemes should be reduced. Such being the case, it is not wise to spend money from the consolidated fund.

The library fund should be enough to meet the salary expenditure. I do not know whether the Finance Minister would agree for this. However, it has been there and it is going to be passed. As far as possible expenditure that has to be incurred should be met from the Library Fund and why should they take from the Consolidated Fund. By this not only the people have been burdened with library cess but also the consolidated fund is bring made use of for this purpose.

Sri S. R. KANTHI.—The fallacy of the argument has been, that the hon' ble member has confused the Mysore State Library Authority with the Mysore State Library Service. The Mysore State Public Library Service is different. The expenditure that has to be incurred is in respect of Mysore State Library Service and not in respect of Mysore State Library Authority. The functions of the Service are defined in clause 13. The Mysore State Public Libraries Service is meant to man the public libraries and the entire expenditure will have to be borne by the Government.

Sri G. V. GOWDA.—The income is to be appropriated. But not even a pie is taken from the Library Fund and they want to spend extra for this staff.

Sri S. R. KANTHI.– The hon'ble member is arguing one thing. A few minutes ago he said that the Government should give a part of the land revenue. Now he says why the Government should not take some thing from the library fund. it is only in order to help the library movement that we have created a library service and sit will be at the disposal of these library authorities.

Mr. SPEAKER.—The question is :

" That sub-clause 3 shall be deleted. "

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

CLAUSE 16

Mr. SPEAKER.—The question is :

"That clause 16 stand part of the Bill.

The motion was adopted.

Clause 16 was added to the Bill.

CLAUSE 17

Mr. SPEAKER.—There are amendments of Sri B. R. Sunthankar, G. V. Gowda and Sri R. S. Patil. I request the Hon'ble Members to move all the amendments relating to this clause.

Sri B. R. SUNTHANKAR.—I move :

"That in sub-clause (1), the following item shall be substituted for the existing item (b):—

'(b) the Vice-Chairman of the authority shall be elected by the members from among themselves'."

"That in sub-clause (1), item (d), line 1 for the word 'nominated' the word 'elected' shall be substituted and the words 'by the State Government' shall be deleted.

"That in sub-clause (1), item (e), line 2 for the words 'nominated *ex-officio* by the State Government' the words 'elected by the Board of Headmasters' in the City or in absence of such a board by the Head Master of High Schools from among themselves' shall be substituted."

"That in sub-clause (1), item (g), line 1, between the words 'three persons' and 'nominated' the words "interested in the library movement" shall be inserted.

"That in sub-clause (1), after item (g), the following item shall be added.—

'(h) one person nominated by the Executive Committee of the City Branch, if any, of the Mysore Library Association from among the members of the Branch'."

Mr. SPEAKER.—Amendments moved :

"That in sub-clause (1), the following item shall be substituted for the existing item (b) :—

'(b) the Vice-Chairman of the authority shall be elected by the members from among themselves'."

"That sub-clause (1), item (d), line 1 for the word 'nominated' the word 'elected' shall be substituted, and the words 'by the State Government' shall be deleted.

"That in sub-clause (1), item (e), line 2 for the words 'nominated *ex-officio* by the State Government' the words 'elected by the Board of Headmasters in the City or in absence of such a board by the Headmrster of High Schools from among themselves' shall be substituted."

"That in sub-clause (1), item (g), line 1, between the words 'three persons' and 'nominated' the words 'interested in the Library Movement' shall be inserted."

"That in sub-clause (1), after item (g), the following item shall be added :—

'(h) One person nominated by the Executive Committee of the City Branch, if any, of the Mysore Library Association from among the members of the Branch'."

In regard to the amendment of Sri R. S. Patil, he will see that there is a slight error in the wording. Please see page 26 of the report where clause 17 is found. This will have to be renumbered, *i.e.*, renumber the present (f) and (g) as items (g) and (h). There is a slight error.

Sri S. R. KANTHI.—Sir, it is a consequential change and you can kindly do it.

4-30 P.M.

Mr. SPEAKER.—Sri R. S. Patil to move his amendment.

Sri R. S. PATIL (Ramdurg).—Sir, I beg to move the following amendment to Clause 17 :—

"That in sub-clause (1), after item (e), the following item (f) shall be added :

'(f) one person nominated by the Council of the City Branch, if any, of the Mysore Library Association'."

"That in sub-clause (1), item (g), for the words 'three' the word 'Two' shall be substituted."

Mr. SPEAKER.—Amendments moved :

"That in sub-clause (1), after item (e), the following item (f) shall be added :

'(f) one person nominated by the Council of the City Branch, if any, of the Mysore Library Association'."

"That in sub-clause (i), item (g), for the words 'Three' the words 'Two' shall be substituted".

I extend the time by another half-an-hour.

Sri B. R. SUNTHANKAR.—In the composition of the District Library, provision is made to elect Vice-Chairman. That is why, the same provision should be made in the composition of the City Library. Vice-Chairman should be elected by the members of the City Library Authority from amongst themselves. Instead of nomination, the governing bodies should be allowed to elect their representatives. Instead

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of nominating their representatives, these aided libraries should elect their own representatives. This will introduce the popular element instead of nomination.

As regard my amendment to sub-clause 1 (e), I would like to speak that in order to eliminate nomination, I have suggested this. In the Districts there is an organisation called the Headmasters Board. These Headmasters Board should be asked to send its representatives who should be elected by them. In case, there is no such Board existing, the Headmasters should be asked to send their elected representatives. Government should not nominate.

In the original Bill, there were three persons who were expected to be experts in Library Science. As it is not possible to get such members everywhere, I suggest in my amendment to sub-clause (1) (g) that 3 persons who are " interested in the Library movement " should be there. Not that Government should nominate any persons according to their whims. It is so happened that Government wants to make provisions for their own hirelings. Such Members should not be there. The members who are really interested in the Library Movement should be there. About my last amendment that one representative of the Executive Committee of the City Branch of the Mysore Library Association should be there and he should be elected by the Executive Committee.

SRI S. R. KANTHI.—I can accept only the amendment of Sri R. S. Patil. I am not in a position to accept the amendments of Sri B. R. Sunthankar. Before they are put to vote, I would like to say that there is one common thing in Sri Patil's and Sunthankar's amendment No. 11. Mr. Patil further says that Government should have the power to nominate only 2 instead of 3, that is the difference. I accept the amendment of Sri R. S. Patil. Amendment No. 11 of Sri Sunthankar and Sri Patil, is acceptable to Government.

MR. SPEAKER.—The question is :

" That in sub-clause (1), the following item shall be substituted for the existing item (b) :

' (b) the Vice-Chairman of the authority shall be elected by the members from among themselves.' "

The amendment was negatived.

MR. SPEAKER.—The question is :

" That in sub-clause (1) item (d) line 1 for the word ' nominated ' the word ' elected ' shall be substituted and the words ' by the State Government ' shall be delete."

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That in sub-clause (1) item (e) line 2 for the words " nominated *ex-officio* by the State Government " the words " elected by the Board of Headmasters in the City or in absence of such a Board by the Headmaster of High Schools from among themselves," shall be substituted,

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That in sub-clause (1) item (g) line 1, between the words " three persons " and " nominated " the words " interested in the Library movement " shall be inserted."

The amendment was negatived.

Mr. SPEAKER.—Before I put the Amendment of Sri B. R. Sunthankar, I request him to kindly see that Amendments of Sri R. S. Patil cover the Amendment of this member and they are more comprehensive. Therefore, I will not put Sri Sunthankar's Amendment to the vote of the House.

The question is :—

" That in sub-clause (1) after item (e), the following item (f) shall be added :—

"(f) one person nominated by the Council of the City Branch, if any, of the Mysore Library Association."

" That in sub-clause (1) item (g) for the word " three " the word " Two " shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is :—

" That Clause 17 as amended stand part of the Bill."

The amendment was adopted.

Clause 17, as amended, was added to the Bill.

CLAUSE 18.

Sri B. R. SUNTHANKAR :—I beg to move :

" That in sub-clause (1) for item (a), the following shall be substituted :

" (a) the Chairman of the District Development Council or the Adhyaksha of the Zilla Parishad after the Zilla Parishad comes into being."

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"That in sub-clause (1), the following shall be substituted for the existing item (f):—

"(f) Three persons each elected by a Taluk Board in the Districts for one term in such order of rotation as the State Government may by order determine."

"That in sub-clause (1), after item (1), the following item shall be added:

"(m) one person nominated by the Executive Committee of the district branch of the Mysore Library Association from among the members of the Branch, if any."

MR. SPEAKER.—Amendments moved:

"That in sub-clause (1) for item (a), the following shall be substituted:

"(a) the Chairman of the District Development Council or the Adhyaksha of the Zilla Parishad after the Zilla Parishad comes into being."

"That in sub-clause (1), the following shall be substituted for the existing item (f):—

"(f) Three persons each elected by a Taluk Board in the Districts for one term in such order of rotation as the State Government may by order determine."

"That in sub-clause (1), after item (1), the following item shall be added:—

"(m) one person nominated by the Executive Committee of the district branch of the Mysore Library Association from among the members of the branch, if any."

SRI G. V. GOWDA.—Sir, I beg to move:

"That in sub-clause (1), item (a) for the words "the Deputy Commissioner" the words "the Chairman, District Development Council" shall be substituted."

"That in sub-clause (1) item (f) for the word "nominated" the word "elected" shall be substituted and the words "by the State Government" shall be deleted."

"That in sub-clause (1) item (h) for the word "nominated" the word "elected" shall be substituted and the words "by the State Government shall be deleted."

MR. SPEAKER.—Amendments moved:

"That in sub-clause (1), item (a) for the words "the Deputy Commissioner" the words "the Chairman, District Development Council" shall be substituted."

"That in sub-clause (1) item (f) for the words "nominated" the word "elected" shall be substituted and the words "by the State Government" shall be deleted."

"That in sub-clause (1) item (h) for the word "nominated" the word "elected" shall be substituted and the words "by the State Government" shall be deleted."

Sri R. S. PATIL.—I beg to move :

"That in sub-clause (1) after item (e), the following item (f) shall be added and items (f) to (l) be re-lettered as (g) to (m)."

"That in sub-clause (l) in item (g) for the word "Three" the word "Two" shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (l) after item (e), the following item (f) shall be added and items (f) to (l) be re-lettered as (g) to (m)."

"That in sub-clause (l) in item (g) for the word "Three" the word "Two" shall be substituted."

Sri B. R. SUNTHANKAR.—With regard to may first amendment, I want that instead of the Deputy Commissioner, it should be mentioned as the Chairman of the District Development Council, because in the near future the Zilla Parishad will come into being. The Adhyaksha should be made the Chairman of this authority.

With regard to my second amendment, I want that these representatives of the Taluk Boards should be elected in rotation. Three persons will be elected for the first term from three Taluk Boards and the rotation should be fixed by the Government so that every Taluk Board will have one elected representative on this authority.

I think, the Hon'ble Minister is going to accept my third amendment, which covers Sri R. S. Patil's amendment also.

Sri G. V. GOWDA.—In all these constituted Library authorities, so far as the State Library Authority is concerned, the Minister is the Chairman, so far as the City Library Authority is concerned, the Mayor is the *ex-officio* Chairman, and in respect of the District Library Authority, the Deputy Commsssioner has been suggested to be the Chairman. That is why I have suggested that the District Development Council Chairman, whether he be an official or non-official, it sounds well.

Mr. SPEAKER.—What happens to the District Development Council after the Panchayat Raj Bill is passed ?

Sri G. V. GOWDA.—That would be superseded or repealed by the Zilla Parishad.

Mr. SPEAKER.—Therefore, the Deputy Commissioner is as better fixture.

Sri G. V. GOWDA.—Sir, my amendment is very simple and it is non-controversial.

So far as my other amendment is concerned, Mr. B. R. Sunthankar has already submitted the reasoning.

ಶ್ರೀ ಆರ್. ಎಸ್. ಪಾಟೀಲ್.—ವಿಲೇಜ್ ಪಂಚಾಯತ್ ಮತ್ತು ಟೌನ್ ಪಂಚಾಯತ್ ನಡೆನ್ಯರಲ್ಲಿ ಮೂರು ಮೂರು ಜನ ನದನ್ಯರನ್ನು ನಾಮಿನೇಟ್ ಮಾಡಬೇಕೆಂದು ಇದೆ. ಇದು ಅವಶ್ಯಕತೆ ಇಲ್ಲ ಎಂದು ಕಂಡು ಬಂದುದರಿಂದ ಇಬ್ಬರು ನಧನ್ಯರನ್ನು ನಾಮಿನೇಟ್ ಮಾಡಿದರೆ ಸಾಕು ಎಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಮಂಡಿಸಿದ್ದೇನೆ. ಇದನ್ನು ಅಂಗೀಕರಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri S. R. KANTHI.—Sir, I accept the amendments Nos. 39 and 40 moved by Sri R. S. Patil. I cannot accept the other amendments.

Mr. SPEAKER.—I will not put Amendment No. 17 to the Vote of the House. I suppose, the Hon'ble Member, Sri Sunthankar is satisfied so far as Amendment No. 17 is concerned.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) for item (a), the following shall be substituted :

(a) the Chairman of the District Development Council or the Adhyaksha of the Zilla Parishad after the Zilla Parishad comes into being."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That in sub-clause (1), item (a) for the words "the Deputy Commissioner" the words "the Chairman, District Development Council" shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) item (f) for the word "nominated" the word "elected" shall be substituted and the words "by the State Government" shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) the following shall be substituted for the existing item (f) :

"(f) Three persons each elected by a Taluk in the District for one term in such order of rotation as the State Government may by order determine."

The amendment was negatived.

Mr SPEAKER.—The question is :

"That in sub-clause (1) item (h) for the word "nominated" the word "elected" shall be substituted and the words "by the State Government" shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That in sub-clause (1) after item (e), the following item (f) shall be added and items (f) to (1) be re-lettered as itmes (g) to (m)."

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That in sub-clause (1) in item (g) for the word "Three" the word "Two" shall be substituted."

The amendment was adopted.

Amendments of Sri B. R. Sunthankar do not arise for vote.

Mr. SPEAKER.—The question is :

" That Clause 18 as amended, stand part of the Bill."

The amendment was adopted.

Clause 18, as amended, was added to the Bill.

CLAUSES 19 to 22

Mr. SPEAKER.—The question is :

"That Clauses 19 to 22 both inclusive stand part of the Bill."

The motion was adopted.

Clauses 19 to 22 both inclusive, were added to the Bill.

CLAUSE 23

Sri G. V. GOWDA.—Sir, I do not propose to move the amendment.

Mr. SPEAKER.—The question is :

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Sri B. R. SUNTHANKAR.—I am not moving my amendment to clause 24.

Mr. SPEAKER.—The question is:

"That clauses 24 and 25 stand part of the Bill."

The motion was adopted.

Clauses 24 and 25 were added to the Bill.

CLAUSE 26.

Sri B. R. SUNTHANKAR.—I beg to move:

"That in sub-clause (2), the following item shall be added after item (h):—

"(i) provide for a library for the area of every Village Panchayat in the State and provide for circulating libraries wherever necessary."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (2), the following item shall be added after item (h):—

"(i) provide for a library for the area of every Village Panchayat in the State and provide for circulating libraries wherever necessary."

Sri B. R. SUNTHANKAR.—I have already said that every panchayat area should have a library of its own. So, this should be included as one of the functions of local library authority and it may provide for such library as far as possible and there should be no objection to accept my amendment for providing a library or a circulating library wherever it is possible.

Sri G. V. GOWDA.—The idea with which this Bill has been placed before this House is to establish a comprehensive rural library service.

Mr. SPEAKER.—There is nothing which prevents its being done in the course of the rules which are to be framed.

Sri G. V. GOWDA.—Furthermore, we are getting money from the rural areas. We are levying surcharge on tax on buildings in the Panchayat and also surcharge on tax on properties. These are collected by village panchayats and taluk boards. My friend is very generous and he has left it to the discretion of the library authority to provide libraries wherever funds permit and not otherwise. I therefore request the Hon'ble Minister to accept it.

Sri S. R. KANTHI.—We cannot accept it in that way. I invite the attention of the House to sub-clause (1) of clause 26 which says:

"It shall be the duty of every City Library and every District Library Authority to provide library service to the

persons residing in the area within its jurisdiction. The Library Authority shall in every City establish a City Central Library and Branch Libraries and in every District establish a District Central Library and branch libraries."

Branch libraries are ment to cover the villages.

Mr. SPEAKER.—Is the Hon'ble Member pressing the amendment ?

Sri B. R. SUNTHANKAR.—Yes.

Mr. SPEAKER.—The question is :

" That in sub-clause (2), the following item shall be added after item (h) :—

" (i) provide for a library for the area of every village Panchayat in the State and provide for circulating libraries wherever necessary.".

The amendment was negatived.

Mr. SPEAKER.—The question is :

" That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

CLAUSE 27.

Mr. SPEAKER.—The question is :

" That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

CLAUSE 28

Sri B. R. SUNTHANKAR.—I beg to move :

" That in sub-clause (1) item (ii) shall be deleted.

" That in sub-clause (3), the words 'and the Finance Committee' shall be deleted.

" That in sub-clause (4) item (*b*) shall be deleted."

Mr. SPEAKER.—Amendment moved :

" That in sub-clause (1) item (ii) shall be deleted.

" That in sub-clause (3), the words 'and the Finance Committee' shall be deleted.

" That in sub-clause (4) item (*b*) shall be deleted."

Sri S. R. KANTHI.—I do not accept the amendment. These committees are very essential.

Mr. SPEAKER.—I will put the amendment to the vote of the House. The question is:

"That in sub-clause (1) item (ii) shall be deleted.

"That in sub-clause (3), the words 'and the Finance Committee' shall be deleted.

"That in sub-clause (4) item (*b*) shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

CLAUSE 29.

Sri B. R. SUNTHANKAR.—I beg to move:

"That in sub-clause (2) after item (*d*), the following item shall be sub-stituted:—

"(*c*) one person nominated by the Executive Committee of the Town Branch if any of the Mysore Library Association."

Mr. SPAEKER.—Amendment moved:

"That in sub-clause (2) after item (*d*), the following item shall be substituted:—

"(*c*) one person nominated by the Executive Committee of the Town branch, if any, of the Mysore Library Association."

Sri S. R. KANTHI.—It is not necessary because it has been dealt with by the Main Committee.

Mr. SPEAKER.—The question is:

"That in sub-clause (2) after item (*d*), the following item shall be substituted:—

"(*c*) one person nominated by the Executive Committee of the Town branch, if any, of the Mysore Library Association."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 29 stand part of the Bill."

The motion was adopted.

"Clause 29 was added to the Bill.

CLAUSE 30.

†Sri ANNARAO GANAMUKHI (Afzalpur).—Before moving the amendment to this clause, I want to raise a constitutional point on clause 30, namely whether this House has jurisdiction to levy any surcharge. It is a basic point. You may take this into consideration and even Government also may consider the point. The State Government in view has no constitutional right to impose surcharge on any of the taxes because there is no constitutional provision in any of the Bills. So far as I could see article 271, the Central Government has got power to levy surcharge on existing taxes for the purpose of Union. Article 271 says :

> "Notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge for purposes of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated Fund of India."

Here Central Government has been enabled to levy surcharge on any of the taxes and those taxes will not go to the pool but will be retained by the Centre. This power has been given to the Central Government by the constitutional provision. Again, if we go through the list, under List I, residuary power has been given to Central Government. I refer to item 97 in List 1 where it has been said :

> "Any other matter not enumerated in List 2 or list 3 including any tax not mentioned in either of those lists."

So, any tax which has not been mentioned in these lists, the Central Government has got power to levy and whenever such bills come, this power can be utilised. Specifically some of the taxes have been mentioned in these lists, but in the State list, there is no such power given to the States, and whichever taxes have been mentioned in the State list, this cess does not appear at all. In the Central list also, the taxes which have been mentioned there, neither surcharge nor cess appears. And therefore, the residuary powers have been retained by the first list to the Union Government itself. It can levy any cess which has not been enumerated in the list 2 or 3. So taxes which have not been mentioned in all these lists can be left by the Central Government and this authority has been retained by them. But by the same token the Constitution does not mention any such power in list 2.

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Then again, Sir, taxes which have been mentioned are from entry 46 to entry 66. Here there is no such cess mentioned at all, nor any surcharge. What is the power of the State Government to levy such cess or surcharge, I want to know from the Government. If this House is enabled by any provision or the Constitution to levy any tax, these taxes are mentioned from entries 45 to 66, and this does not fall under any of

(SRI ANNA RAO GANAMUKHI)

these items. It is outside the scope of these entries. Then by what power can this cess be levied on the various taxes which are mentioned in this section 30 ?

Therefore, I say Sir, that every day we see our tax bills and finance bills are attacked in the High Court on the ground of want of jurisdiction or that it is discriminatory. Here I find that this House has no jurisdiction at all to levy any cess by way of surcharge and no item in the Constitution mentions this surcharge or cess as being within the purview of this House. So, constitutionally I do not think that we will be right in levying this surcharge, which is beyond the scope of this House.

† Sri G. V. GOWDA.—Further sir, supporting Mr. Anna Rao's contention on the constitutional point raised, this is a levy not directly leviable by the Government. This is a surcharge on taxes leviable by local bodies. Under the local bodies enactment this House has empowered these local bodies to levy tax on buildings, lands, calling trades and vehicles and octroi. So, we have delegated the power of levying taxes by these bodies under the relevant enactments. Now this is a surcharge on tax levied and realised by these local bodies. It amounts, in my opinion to a further delegation which in law is very bad. These local authorities have been empowered to levy taxes on buildings, octroi, etc. This amounts to a further delegation to them to levy surcharge on these taxes realised by them—that is leviable and recoverable by them. It amounts to further delegation which in law, I beg to submit would be *altra vires* of this House and constitutionally bad.

But itmay be contended that the taxes on lands and buildings—these items have been included in the Madras Act and the Hyderabad Act and how it was allowed. I am unable to answer that point because perhaps nobody might have chosen to question the legality of this particular items. That is my answer. It is better that the Hon'ble Minister gets it examined further, whether there is any entry in the Constitution on which this House can pass a levy like this. If it is a question of levying a surcharge on tax leviable by the Government, then there is no objection. Now this tax is not leviable by the Government. On land revenue, Government levies and collects surcharge. Government is empowered to levy surcharge revenue assessment. But this is a tax that is to be levied and collected by the local bodies. On that tax, we seek to empower the local bodies to levy surcharge. Is it not ultra vires ? That is my only submission.

Mr. SPEAKER.—Now before I deal with any point, I must see whether the House votes for extension of time. I have exhausted the one hour that I could give without consulting the House.

I suppose the House gives its approval to extend the time by one hour ?

HON'BLE MEMBERS.—Yes.

(The time was extended by one hour)

Sri T. N. MADAPPA GOWDA (Nagamangala).—There is a function at six o'clock.

Mr. SPEAKER.—Has the Hon'ble Minister anything to say in this atter ?

† Sri S. R. KANTHI.—Sri, about the point raised by my Hon'ble friend Sri Anna Rao, I must say that he as ex-Minister ought not to have raised this point, because this Bill is a legacy. Sir, this Bill is not my own. It has come to me from him and it has been there for the last four years. And this point of taxing, levying a cess, was there. It has been examined by him and he did not take any objection at that time. I do not know how he can take objection. He has now taken that objection. That is a different matter.

I may also say that there are so many cesses—education cess is there, the health cess is there, which has been passed by this House.

Sri G. V. GOWDA.—Health cess and education cess are leviable on taxes levied by Government directly.

Sri S. R. KANTHI.—There are two arguments. One is that this House is not entitled to pass any law in respect of imposing cess. I am replying to that saying that this House has taken many steps in imposing health cess and education cess and so many other cesses, and no point was raised at that time.

Secondly, my Hon'ble friend Sri G. V. Gowda says that the Government is not right in empowering local bodies to impose cess. In the one case, the argument is that this House or this Government has no authority to pass a law in respect of imposing the cess. To that, I have already said that this House has already done it on many occasion and it has not been challenged at all.

The second point is, if the Government can empower the Panchayats or the local bodies to impose the tax, they can also empower them to impose a cess also. There is nothing wrong in all this.

Mr. SPEAKER.—Hon'ble Members Sri Anna Rao has raised a very interesting contitutional point and Sri G. V Gowda further emphasised it by saying that it is very important. The fact that Sri G. V. Gowda did not raise it in the first instance.

Sri G. V. Gowda.—In fact, I wanted to talk on my amendment.

Mr. SPEAKAR —In a way more than one inference is possible I will leave it at that. What is the point raised by Mr. Anna Rao It is that article 271 is a bar. I belive he has done a very hasty reading

Sri ANNA RAO GANAMUKHI.—I did not say it was bar. The Central Government has retained the power to surcharge on any tax· But the Constitution does not give the same power to the State Government. In the Bill, surcharge has been retained and that this will not be available for distribution. That was my main argument.

Mr. SPEAKER.—Now the position has been clarified, it is not that the Central Government has not got the power to levy the surcharge but that the State Government has no right to levy the surcharge, because under article 271, it only the Central Government that is empowered to levy the surcharge. But article 271 refers to articles

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269 and 270. Not withstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred in those articles by a surcharge for purpose of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated Fund of India " The basic concept was increased in duties aud taxes. Surcharge is only a word used for the purpose of indicating the increase. Surcharge has no separate genus, a separate meaning and a separate content for the idea apart from surcharge and taxes. Therefore the Central Government has got the right to levy duties and taxes and article 271 spepifically provides for an increase being designated as surcharge. The argument that the State Government faces a bar under article 271 of the Constitution is not correct. It is not a bar.

Sri ANNARAO GANAMUKHI.—As per item 97 of the Union list, the residuary power has been reserved for the Central Government.

Mr. SPEAKER.—With regard to the levying of crtain kinds of taxes, there are provisions in the State List and they are fairly clear enough if we bear in mind the concept of four terms tax, cess, fee and surcharge, now these are not be taken distinctly separate. Surcharge may not be a convenient word used, as done in the case of article 271, where there is alredy a tax levied, which tax is proper and not at all debatable either now or at any time. It may eithsr be called a cess or surcharge. What is the word now used in the present Bill? It is 'cess'. We have now to see whether the levy of cess with regard to tax imposed is beyond the capacity of the State. If it is not there is nothiug wrong. Now this cess is linked on to taxes to buildings and lands. I am taking only one instance for clarification. Taxes on lands and buildings are perfectly competent, and a cess relating on that, whatever it may be called, is one form of levy. Levy may be a fee for a licence. It may be a cess or a tax or a surcharge. Therefore so long the subject matter which is being taxed is within the competence of the State Goveinment, how can it be said to be wrong? Let us take the library cess in the form of surcharge on land and buildings. It is well within the competence of the State. "Taxes on the entry of goods into a local area for consumption, use or sale therein" Now the word 'cess' according to legal connotation is corelated to a small area and not the entire Republic in which case the word 'cess' is not used. That is how the word 'cess' has been used. 'Tax on entry of good ...

Sri ANNA RAO GANAMUKHI—Qiudproquo, can anything be brough under this item? But here, anybody who does not take advantage of the library is also compelled to pay.

Mr. SPEAKER.—The idea of quidproquo is that there must be something in return. Library service is there given in return. Kindly refer to the Seventh Schedule. Item 49 Taxes on lands and buildings; Item 52 Taxes on the entry of goods into a local area for consumption, use

or sale therein; Item 58 Taxes on animals and boats; Item 60 on profss-ions, trades, callings and employment. Provisions of all kinds of taxes are there. None of the subject heads referred to in clause 30 of the Bill are beyond the competence of the State Government.

Sri ANNA RAO GANAMUKHI.—In that case entry No. 66 should not be a bar. Why should the word 'fee' be specifically mentioned?

Mr. SPEAKER.—I did not say that all taxes are fees. The taxes spoken of in the Bill are perfectly valid.

Mr. V. GOWDA —We are not levying cess, or surcharge where Government is recovering. Here Government.

Mr. SPEAKER.—What is the distinction between 'we' and 'Govern-ment'. It is Gvoernment that is enacting legislation and it is Govern-ment that is imposing a tax. For realization, it may be entrusted to an authority to which it has delegated.

Sri G. V. GOWDA.—It is not a delegation for realisation. Local bodies will never return. For the benefit of the local bodies, we have enacted. So far as land revenue is concerned, Government levies a surcharge. A surcharge can be levied on land revenue. because the Government taxes it. I am drawing a distinction between income that is directly drived by the Government and the income that goes to the local bodies.

Sri ANNA RAO GANAMUKHI.—Sir, this power of taxing has been delegated to the local bodies. Once it has been delegated, the power of the State to further levy the tax is not correct. While levying this cess, if the amount forms part of the consolidated fund, there is no dispute.

Mr. SPEAKER.—Utilisation apart, you raised a point saying that Government is not competent to impose this ; constitutionally, it has no power.

Sri ANNA RAO GANMUKHI,—That is one point. The second point is, it cannot further delegate this power. If it has got the power to impose this levy, it should from part of the consolidated fund of the State. If it goes to the other authority, then the question of double taxation will arise.

Mr. SPEAKER.—With regard to the propriety, it is the judicial courts which have to decide.

Sri ANNA RAO GANMAMUKHI.—If the court decidse that the Legislature has no power to enact such a legislation, it is a slur upon us. We should not dismiss it in toto. We should probe into the matter with some sense of legal knowldge we have and see whether we can amend and we can conform to the principles laid down in the jurisprudence.

Mr. SPEAKER.—I am grateful to the Members for further clarify ing the point. But one thing is certain. This kind of a point has not been raised for the first time. There are rulings in this House ; there are rulings of similar House ; there are rulings of the House of Commons and there is ruling of Lok Sabha and Raj Sabha. The reasoning is, if there is any kind of doubt, if it is a debatable point, it is best left to the court. My friend should not put it into my mouth saying that this House has no jurisdiction to probe. This House has not only the right

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but a duty to probe. But, to what extent is the question. The position is we cannot probe too deep. The point now is, whether further time should be spent or not is the probing that is wanted. I cannot uphold the constitutional point and say that the Bill should not be further discussed in respect of this matter.

Sri G. V. GOWDA.—Sir, clause 31 amounts to discrimination in the sense that the City Library Authority is empowerd to take this cess Suppose I stay in Mysore City; I am asked to pay surcharge on the professional tax, surcharge for the goods I consume *i.e.*, octroi. But, if I reside in some other town which comes under the District Library Authority, I need not pay. So, in my opinion, that amounts to discrimination.

Mr. SPEAKER.—If you practice your profession and the District Municipality levies professional tax and the Village Panchayat is not able to put the professional tax does it amount to discrimination ?

Amendments to this clause may be moved :

Sri G. V. GOWDA.—I beg to move :

"That is sub-clause (1) item (a), sub-item (ii), (iii) and (iv) shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That is sub-clause (1) item (a), sub-item (ii), (iii) and (iv) shall be deleted."

Sri B. R. SUNTHANKAR.—Sir, I beg to move :

"That in sub-clause (1) item (a) in the last line, for the words "three paise" the words "one paisa" shall be substituted;"

"That in sub-clause (1) item (b) in line 5 for the words "three paise" the words "one paisa" shall be substituted."

"That sub-clause (2) shall be deleted."

Mr. SPEAKER.—Amendments moved :

"That in sub-clause (1) item (a) in the last line, for the words "three paise" the words "one paisa" shall be substituted;"

"That in sub-clause (1) item (b) in line 5 for the words "three paise" the words "one paisa" shall be substituted."

"That sub-clause (2) shall be deleted."

Sri S. R. KANTHI (Minister for Education).—I do not accept the amendments Sir.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) item (a) in the lat line, for the words "three paise" the words "one peisa" shall be substituted ;"

"That in sub-clause (1) item (b) in line 5 for the words "three paise" the words "one paisa" shall be substituted.''

"That sub-clause (2) shall be deleted."

The Amendments were negatived.

Mr. SPEAKER.—The question is :

"In sub-clause (i) item (a), sub-item (ii), (iii) and (iv) shall be deleted."

the amendments was negatived.

5-30 P.M.

Mr. SPEAKER.—The question is :

"That clause 30 stands part of the Bill."

Sri B. R. SUNTHANKAR.—Sir, I press for a division.

(*Division Bell Rang.*)

Result of the Division was 31 for and 16 against.

The motion was adopted.

Clause 30 was added to the Bill.

CLAUSE 31.

Sri B. R. SUNTHANKAR.—Sir, I beg to move :

"That in sub clause (1) line 2 between the words "a grant to" and "every district Library Authority" the words "every City Library Authority and" shall be inserted.

"That in sub-clause (1) in lines 4 and 5, for the words "three per cent of the land revenue collections of the District" the words "the amount of cess collected by the Local Library Authority to be raised to threefold within a period of ten years by increasing the grant suitably every year" shall be substituted.

"That sub-clause (3) shall be deleted."

Mr. SPEAKER.—Amendments moved :

"That in sub-clause (1) line 2 between the words "a grant to" and "every district Library Authority" the words "every Library Authority and" shall be inserted.

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"That sub-clause (1) in lines 4 and 5, for the words "Three per cent of the Land Revenue collections of the District" the words "the amount of cess collected by the Local Library Authority to be raised to three-fold within a period of ten years by increasing the grant suitably every year" shall be substituted."

Sri S. R. KANTHI.—I cannot accept these amendments.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) line 2 between the words "a grant to" and "every District Library Authority" the words "every City Library Authority and" shall be inserted.

That in sub-clause (1) in lines 4 and 5, for the words "three per cent of the land revenue collections of the District" the words "the amount or cess collected by the Local Library Authority to be raised to threefold within a period of ten years by increasing the grant suitably every year" shall be substituted.

"That sub-clause (3) shall be deleted.

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 32 to 39 both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 32 to 39 both inclusive were added to the Bill.

CLAUSE 40

Sri B. R. SUNTHANKAR.—Sir, I beg to move :

That in sub-clause (2), the following words shall be added at the nd—

"and the report with the audited accounts shall be placed before both Houses of the Legislature."

Mr. SPEAKER.—(I will put it to the vote of the House. The question is :

"That in sub-clause (2), the following words shall be added at the end—

"and the report with the audited accounts shall be placed before both Houses of Legislatu re."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"that clause 40 stands part of the Bill."

The motion was adopted.

Clause 40 was added ro the Bill.

Mr. SPEAKER.—The question is :

"that clauses 41 to 51 both inclusive stand part of the Bill."

The motion was adopted.

Clauses 41 to 51 both inclusive were added to the Bill.

CLAUSE 52.

Sri G. V. GOWDA—Sir, I beg to move :

"That in sub-clause (2), item (b) lines 2 and 3, the words "fees or cess imposed" shall be deleted."

Mr. SPEAKER.—Amendment moved—

"That in sub-clause (2), item (b) lines 2 and 3, the words "fees or cess imposed" shall be deleted.

Sri G. V. GOWDA.—Sir, under clause 52, the Madras Public Libraries Act, 1948 gets repealed after the passing of this enactment but the Hon'ble Minister wants the cess that was levied under the Madras Act to be continued. It would not be constitutionally valid to allow the cess to be continued when the parent Act gets repealed. Therefore, my amendment is necessary.

Sri S. R. KANTHI.—That point has been examined. Though the parent Act gets repealed by this clause, there will be some time lag between this Act coming into force and that Act being in force. So, it is not possible to accept it.

Sri G. V. GOWDA.—Sir, I press my amendment.

Mr. SPEAKER.—The question is :

"That in sub-clause (2), item (i) lines 2 and 3, the words "fees or cess imposed" shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 52 stand part of the Bill.

The motion was adopted.

Clause 52 was added to the Bill.

Mr. SPEAKER.—The question is :

"that clause 1, the Title and the Preamble stand part of the Bill.

The motion was adopted.

Clause 1, that Title and the Preamble were added to the Bill.

Motion to pass.

Sri S. R. KANTHI.—Sir, I beg to move :

"That the Mysore Public Libraries Bill, 1964, as reported by the Joint Select Committee and as amended, be passed.

Mr. SPEAKER.—The question is :

" That the Mysore Public Libraries Bill, 1964, as reported by the Joint Select Committee and as amended, be passed.

The motion was adopted.

THE MYSORE IRRIGATION BILL, 1965.

As reported by the Joint Select Committee.

Motion to Consider.

Sri VEERENDRA PATIL (Minister for Public Works).—I beg to move :

" That the Mysore Irrigation Bill, 1965, as reported by the Joint Select Committee, be taken into consideration.